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# AFFAIRS IN THE KONGO

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

TRANSMITTING A REPORT BY THE  
SECRETARY OF STATE, WITH AC-  
COMPANYING CORRESPONDENCE,  
TOUCHING THE CONDITION OF  
AFFAIRS IN THE KONGO

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JULY 29, 1909.—Read; referred to the Committee on Foreign Relations  
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*To the Senate and House of Representatives:*

I transmit for the information of the Congress a report by the Secretary of State, with accompanying correspondence, touching the condition of affairs in the Kongo.

WM. H. TAFT.

THE WHITE HOUSE, *July 29, 1909.*

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*To the President:*

In view of the general public interest in the subject, it is thought you may deem it appropriate to transmit to the Congress for its information the accompanying copies of correspondence on the files of the Department of State touching the condition of affairs in the Kongo, which I have the honor to submit for this purpose if your judgment approve thereof.

Respectfully submitted.

P. C. KNOX.

DEPARTMENT OF STATE, *Washington, July 27, 1909.*



## LIST OF PAPERS.

1. Consul-General Slocum to the Secretary of State, December 1, 1906.
2. The Secretary of State to Mr. Carter, December 10, 1906.
3. Mr. Carter to the Secretary of State, December 12, 1906, telegram.
4. Mr. Carter to the Secretary of State, No. 296, December 14, 1906.
5. Mr. Wilson to the Secretary of State, No. 141, December 18, 1906.
6. The Secretary of State to Mr. Wilson, January 15, 1907, telegram.
7. Mr. Wilson to the Secretary of State, No. 146, January 23, 1907.
8. Mr. Wilson to the Secretary of State, No. 149, January 27, 1907.
9. Mr. Wilson to the Secretary of State, February 7, 1907, telegram.
10. The Secretary of State to Mr. Wilson, No. 93, February 9, 1907.
11. Senate resolution, February 15, 1907.
12. Mr. Wilson to the Secretary of State, No. 160, March 16, 1907.
13. The Secretary of State to Mr. Wilson, No. 96, April 1, 1907.
14. Mr. Wilson to the Secretary of State, No. 199, July 12, 1907.
15. Mr. Bliss to the Secretary of State, No. 215, August 27, 1907.
16. Mr. Wilson to the Secretary of State, No. 241, October 16, 1907.
17. Belgian colonial project.
18. The Secretary of State to Ambassador Reid, November 4, 1907.
19. Mr. Wilson to the Secretary of State, No. 249, November 13, 1907.
20. Ambassador Reid to the Secretary of State, November 19, 1907.
21. Consul-General Smith to the Secretary of State, November 20, 1907.
22. Consul-General Smith to the Secretary of State, November 23, 1907.
23. Mr. Reid to the Secretary of State, No. 216, December 5, 1907.
24. The Secretary of State to Mr. Wilson, December 6, 1907, telegram.
25. Mr. Wilson to the Secretary of State, December 7, 1907, telegram.
26. Mr. Wilson to the Secretary of State, No. 261, December 7, 1907.
27. The Secretary of State to Mr. Wilson, December 16, 1907, telegram.
28. Consul-General Smith to the Secretary of State, No. 13, January 2, 1908.
29. Consul-General Smith to the Secretary of State, No. 14, January 3, 1908.
30. The Secretary of State to Mr. Wilson, January 9, 1908, telegram.
31. The Secretary of State to Mr. Carter, January 10, 1908.
32. Mr. Wilson to the Secretary of State, January 10, 1908, telegram.
33. Mr. Wilson to the Secretary of State, No. 279, January 15, 1908.
34. Mr. Carter to the Secretary of State, No. 224, January 21, 1908, telegram.
35. Mr. Wilson to the Secretary of State, January 23, 1908, telegram.
36. Mr. Wilson to the Secretary of State, January 30, 1908, telegram.
37. Mr. Wilson to the Secretary of State, No. 290, January 31, 1908.
38. Mr. Wilson to the Secretary of State, February 5, 1908, telegram.
39. Mr. Wilson to the Secretary of State, No. 295, February 6, 1908.
40. Mr. Carter to the Secretary of State, February 27, 1908.
41. Mr. Wilson to the Secretary of State, No. 301, February 27, 1908.
42. Mr. Carter to the Secretary of State, No. 545, February 28, 1908.
43. Mr. Wilson to the Secretary of State, March 6, 1908, telegram.
44. Mr. Wilson to the Secretary of State, No. 306, March 9, 1908.
45. Mr. Wilson to the Secretary of State, No. 308, March 10, 1908.
46. The Secretary of State to Mr. Wilson, March 19, 1908, telegram.
47. Consul-General Smith to the Secretary of State, No. 21, March 21, 1908.
48. The British Ambassador to the Secretary of State, No. 65, March 23, 1908.
49. Mr. Wilson to the Secretary of State, No. 312, March 25, 1908.
50. Mr. Wilson to the Secretary of State, March 26, 1908, telegram.
51. Mr. Wilson to the Secretary of State, No. 316, March 26, 1908.
52. Mr. Wilson to the Secretary of State, March 30, 1908, telegram.
53. Mr. Carter to the Secretary of State, No. 241, March 31, 1908, telegram.
54. Mr. Carter to the Secretary of State, No. 567, March 31, 1908.
55. Mr. Wilson to the Secretary of State, No. 318, March 31, 1908.
56. The Secretary of State to Mr. Wilson, April 1, 1908, telegram.
57. Mr. Wilson to the Secretary of State, No. 319, April 1, 1908.

58. Mr. Wilson to the Secretary of State, No. 321, April 3, 1908.
59. Mr. Wilson to the Secretary of State, No. 322, April 7, 1908.
60. The British Ambassador to the Secretary of State, No. 75, April 7, 1908.
61. Mr. Wilson to the Secretary of State, No. 323, April 8, 1908.
62. The Secretary of State to the British Ambassador, No. 287, April 8, 1908.
63. Mr. Wilson to the Secretary of State, April 8, 1908, telegram.
64. The Secretary of State to Mr. Wilson, April 8, 1908, telegram.
65. Consul-General Smith to the Secretary of State, April 9, 1908.
66. Ambassador Reid to the Secretary of State, April 16, 1908.
67. Mr. Wilson to the Secretary of State, No. 329, April 17, 1908.
68. Mr. Wilson to the Secretary of State, No. 330, April 17, 1908.
69. Mr. Wilson to the Secretary of State, No. 334, April 24, 1908.
70. The Secretary of State to Mr. Wilson, No. 159, April 29, 1908.
71. Memorandum from the Belgian Minister, May 7, 1908.
72. The Secretary of State to Mr. Wilson, May 9, 1908.
73. Ambassador Rein to the Secretary of State, June 25, 1908.
74. British White Book, Africa, No. 3, 1908, Cd. 4135.
75. British White Book, Africa, No. 4, 1908, Cd. 4178.
76. Memorandum from the Belgian Minister, July 24, 1908.
77. Mr. Bliss to the Secretary of State, July 16, 1908.
78. Mr. Wilson to the Secretary of State, No. 393, August 21, 1908.
79. Bill providing for the government of the Belgian Kongo.
80. Mr. Wilson to the Secretary of State, No. 401, September 18, 1908.
81. The Belgian Minister to the Secretary of State, No. 652, October 1, 1908.
82. The Belgian Minister to the Secretary of State, October 21, 1908, telegram.
83. British White Book, Africa, No. 5, 1908, Cd. 4396.
84. The Belgian Minister to the Secretary of State, November 4, 1908.
85. Mr. Wilson to the Secretary of State, November 10, 1908.
86. Consul-General Handley to the Secretary of State, November 24, 1908.
87. Mr. Wilson to the Secretary of State, No. 429, November 27, 1908.
88. Mr. Wilson to the Secretary of State, No. 434, December 3, 1908.
89. The Secretary of State to the Belgian Minister, January 11, 1909.
90. Mr. Wilson to the Secretary of State, No. 449, January 26, 1909.
91. Mr. Wilson to the Secretary of State, No. 462, February 19, 1909.
92. British White Book, Africa, No. 2, 1909, Cd. 4701.
93. Mr. Wilson to the Secretary of State, No. 474, March 17, 1909.
94. Mr. Wilson to the Secretary of State, March 29, 1909, telegram.
95. Mr. Wilson to the Secretary of State, No. 479, April 2, 1909.
96. Mr. Wilson to the Secretary of State, No. 489, April 22, 1909.
97. Mr. Wilson to the Secretary of State, No. 498, May 4, 1909.
98. Mr. Wilson to the Secretary of State, No. 503, May 27, 1909.
99. Memorandum from the Belgian Minister to the Secretary of State, June 12, 1909.



# CORRESPONDENCE RESPECTING THE INDEPENDENT STATE OF THE KONGO.

No. 1.

*Consul General at Boma to the Secretary of State.*

No. 7.]

AMERICAN CONSULATE-GENERAL,  
*Boma, December 1, 1906.*

SIR: I have the honor to transmit herewith a confidential report concerning the Kongo Free State as a commercial undertaking.

I beg to inform the department that this report is based upon personal observation, personal reading of public documents, and conversations with officials, traders, and other trustworthy men of affairs.

\* \* \* \* \*

I have, etc.,

CLARENCE RICE SLOCUM,  
*Consul General.*

[Inclosure.]

## THE KONGO FREE STATE AS A COMMERCIAL UNDERTAKING.

*BOMA, December 1, 1906.*

I have the honor to report that I find the Kongo Free State, under the present régime, to be nothing but a vast commercial enterprise for the exploitation of the products of the country, particularly that of ivory and rubber.

Admitted by Belgian officials and other foreigners here, the State, as I find it, is not open to trade in the intended sense of article 5 of the Berlin act, under which the State was formed.

The State's regulations as to taxation of river craft is such as to preclude the possibility of private competition in the waters of the Kongo and its affluents, and thus, in my opinion, creates a violation of the spirit of the same act.

The governing power of the State has apparently made every effort to discourage trade in its proper sense, constantly increasing taxation and various restrictions which, I shall point out further on, have all tended to discourage the traders of years' standing here, especially as no public improvements have been made worthy of comment.

While it is true that Boma, the capital, presents a much different appearance than was the case a few years ago, and that railroads have been constructed in the lower and upper Kongo, I state that this has been done for the benefit of the State, or rather, to be exact, the controller of the Kongo Free State, and as an aid to the exploitation(?) of the products of the country; while, on the contrary, public utilities, such as sewers, water pipes, etc., have not been constructed except a few kilometers here at Boma, where the tax for obtaining the service is so exorbitant that few are willing to pay it.

With all the vast exportation of rubber and ivory, and its compensating value in European markets, not even a closed shed as a receptacle of imported goods exists in Boma.

The quays at Boma and Matadi belong to railroad companies, in one of which the State is reputed to possess no interest.

The charges are deemed so excessive that the boats of the *Compagnie Belge Maritime du Congo* are the only ones to employ this means of discharging their cargo.

The German, French, Portuguese, and English boats discharge their cargo into small boats, which are beached, and occasionally the contents spoiled through this necessity of trade.

At Matadi, I believe, the French boats pay the rate demanded and dock accordingly.

#### RUBBER.

It is practically impossible for the trader to purchase and vend at a profit this commodity, as, in accordance with a decree of the King Sovereign under date of September 22, 1904, every trader purchasing rubber must, for every 100 kilograms or fraction collected from trees or vines, plant 50 trees, and for herb rubber collected or purchased in like quantity, 15 trees.

If the trader possesses no ground upon which to plant the trees required, and it is obvious that he has none, as none can purchase land in quantity sufficient for such purposes, he must plant on the territory of the State and the trees become the property of the State thereby, and this notwithstanding the fact that the trader pays import and export duties, in addition to other taxes, such as that for the recruiting of clerks, office boys, servants, etc.—thus, 100 francs for a license to recruit the same, and an additional tax of 300 francs per head for every clerical employee (black or white), including the manager.

As a proof of the utter absurdity of the law governing the planting of trees, I beg to offer the following incident:

A certain trader of Thysville, having bought rubber, was informed that he would have to conform to the law as stated above.

He asked that ground might be indicated to him where he could plant the required trees, but was officially informed, wherein lies the pith of my remarks on this subject, that he could plant at Leopoldville, a distance of 160 kilometers interior.

However, the more serious obstacle to rubber trading, so far as the "free trade" is concerned, is the export tax on this product, namely, the conventional tax for the present year of 40 centimes per kilogram, a supplementary tax of 25 centimes, and a further domanial tax of 25 centimes—thus, 90 centimes per kilogram—which, it is to be noted, is a higher rate than the State allows the native for rubber furnished in payment of taxes, which varies, for no apparent reason, from 35 to 50 centimes per kilogram.

#### IVORY.

The commercialism of the State or its governing power, is further evidenced in the local (?) ordinance of September 30, 1905, regarding the stamping of ivory: thus, for each elephant killed, one tusk becomes the property of the State (?) and the other must now, by the ordinance referred to, be stamped before being placed on the market.

As the chiefs of the posts charged with this duty are also charged with the purchase of ivory for the State, it is natural to presume that very little of the ivory reaches the open market, and, in fact, does not.

#### RÉSUMÉ.

There being no money in circulation in the interior of the State, the taxes are paid in kind, for the most part in rubber.

The same is equally true of the colonial territory of the French Republic in the Kongo; but where the French Government have periodical sales of the products collected for taxes, enabling thereby the ordinary trader to acquire at its market value that produce and ship to Europe, the Free State, on the contrary, ships all produce so collected for its own account.

It is obvious that this report applies principally to the domanial lands and not to the produce of the concessionary companies.

As to the concessionary companies, it is obvious that where there is no competition the native is at the mercy of the concessionaire, so far as the value of the goods given in exchange is concerned.

In my opinion, it is thus obvious that under the system prevailing at the present time in the Kongo Free State, the just equivalent of foreign manufactures can not enter, and thus what should be a profitable market for the foreign producer, if the spirit of the Berlin act were carried out, is lost.

That this is true is borne out by the fact that there are no private traders in the upper Kongo with the exception of five trading companies at Stanleyville, which enjoy somewhat of a privilege in trading in what is known as the Free Zone, an area of about 50 by 10 kilometers.

It is common report here, even among the officials of Belgian origin, that in every one of the concessionary companies the State holds the controlling interest.

I have no means at my disposal to prove this statement.

Respectfully submitted.

CLARENCE RICE SLOCUM,  
*Consul-General.*

No. 2.

*The Secretary of State to Chargé Carter.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 10, 1906.*

Moved by the deep interest shown by all classes of the American people in the amelioration of conditions in the Kongo State, the President has observed with keen appreciation the steps which the British Government is considering toward that humanitarian end. You will say so to Sir Edward Grey, inviting from him such information as to the course and scope of the action which Great Britain may contemplate under the provisions of the general act of the Kongo and in view of the information which the British Government may have acquired concerning the conditions in Central Africa, and you will further express to Sir Edward Grey the desire of the President to contribute by such action and attitude as may be properly within his power toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of Kongo administration. The President's interest in watching the trend toward reform is coupled with the earnest desire to see the full performance of the obligations of articles 2 and 5 of the general Africa slave-trade act of Brussels of July 2, 1890, to which the United States is a party, in all that affects involuntary servitude of the natives.

Root.

No. 3.

*Chargé Carter to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 12, 1906.*

With reference to your telegraphic instruction of 10th instant, received yesterday, I saw Sir Edward Grey same afternoon. He was much gratified to learn of the President's interest and the attitude

of our Government in regard to the amelioration of conditions in the Kongo. His Majesty's Government are not at present advised of the attitude of the other signatory powers in this regard, but they think, in view of the reports of their own agents and that of the Belgian King's commission, that a radical change is necessary in the management of affairs in the Kongo. He specified more especially the conditions of forced labor in rubber under guise of taxation, which was practical slavery, leaving out of consideration the various reports of cruelty and other atrocities. He felt that there should be a parliament behind the government in the Kongo, by which he meant that the Belgian Government should become responsible for the administration of affairs in that locality. He therefore had postponed any action to await the result of the present debate upon the subject now going on in the Belgian Parliament. He seemed to think the main obstacle in the way to annexation by Belgium was the difficulty in agreeing upon terms with the King. In the event, however, of the Belgian Government not being able to arrive at such a conclusion His Majesty's Government would feel constrained to address a note to the signatory powers, suggesting a conference. He nevertheless hoped that such a contingency might be avoided by the action of Belgium, and he promised to keep us promptly informed of any developments.

CARTER.

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No. 4.

*Chargé Carter to the Secretary of State.*

No. 296.]

AMERICAN EMBASSY,  
*London, December 14, 1906.*

SIR: I have the honor to inclose herewith a translation of your telegram, dated the 10th instant and received at this embassy on the morning of the 11th, respecting affairs in the Kongo, and also a translation of my telegram in reply thereto of the 12th instant.

In this connection I have the honor to inclose herewith a clipping from the Times of this date reporting a reply made by Sir Edward Grey in the House of Commons to a question put by Mr. Alden, the member for Middlesex, as to whether there would be an international conference to consider the situation in the Kongo Free State. It will be perceived that the answer mentioned was doubtless based upon the information which I conveyed to him at your instance.

I have, etc.,

JOHN RIDGELY CARTER.

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[Inclosure 1.]

*Memorandum.<sup>a</sup>*

The President, moved by deep interest shown by all classes of the American people in the amelioration of conditions in the Kongo State, has observed with keen appreciation the steps which His Majesty's Government are considering

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<sup>a</sup> Handed by the American chargé d'affaires ad interim to the British secretary of state for foreign affairs December 11, 1906.



toward that humanitarian end. The American Government would be glad to have such information as to the course and scope of action as Great Britain may contemplate under the provisions of the general act of the Kongo, having in view the information which His Majesty's Government may have acquired concerning the conditions in Central Africa, it being the desire of the President to contribute by such action and attitude as may be properly within his function toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of the administration of the Kongo.

The president's interest in watching the trend toward reform is coupled with the earnest desire to see the full performance of the obligations of articles 2 and 5 of the general Africa slave-trade act of Brussels of July 2, 1890, to which the United States is a party, in all that affects involuntary servitude of the natives.

DECEMBER 11, 1906.

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[Inclosure 2.]

[The Times, Friday, December 14, 1906.]

*The Kongo.*

Sir E. Grey, replying to a question by Mr. Alden (Middlesex, Tottenham) as to an international conference to consider the situation in the Kongo Free State, said:

"The plan of summoning an international conference has not specifically been mentioned. But the United States Government have recently intimated their desire to contribute to the realization of whatever reforms may be counseled by sentiments of humanity, and by the experience of past or present administration in the Kongo State. As the honorable member is no doubt aware, such an announcement is most cordially welcomed by His Majesty's Government. But, pending the decision to which Belgium may soon come, it is unnecessary to make any further statement at the moment."

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No. 5.

*Minister Wilson to the Secretary of State.*

No. 141.]

AMERICAN LEGATION,  
*Brussels, December 18, 1906.*

SIR: I have the honor to report to the department the proceedings and conclusion of the debate in the Belgian Parliament upon the question of the proposed annexation of the Kongo Free State to Belgium.

It may be useful at this point briefly to recite the antecedents upon which the present discussion is based, and the circumstances which have made this question since 1890 an issue in Belgian politics.

In the year 1890 the Kongo Free State, finding itself in financial stress, secured from Belgium a loan of \$5,000,000, and simultaneously with the granting of the loan by the Belgian Government, of which the present minister of state, Mr. Beernaert, was then the head, the testament of King Leopold bequeathing the Kongo State to Belgium was made public. Though by its publication this testament transferring the sovereignty of the country acquired the force of a Congo's convention, the Belgian Government deemed it wise to take a precautionary precaution of stipulating, in granting the loan, that the State should "contract no new loan hereafter without"

the Belgian Government," and, further, "the Belgian Government should be supplied with such information on the economic, commercial, and financial situation as will be desired."

It was also provided that within six months after the expiration of a term of ten years Belgium might, if she found it to her advantage to do so, annex the Kongo State, "with all the property, rights, and advantages attaching to the sovereignty of the State."

The year of 1895 found the Kongo State involved in fresh financial difficulties, and application was again made to the Belgian Government for authorization to contract a new loan. At the same time His Majesty the King announced his willingness to cede the sovereignty immediately. A measure providing for annexation was accordingly proposed to the Chambers on January 12 by the Count de Merode, Minister for Foreign Affairs. It met, however, with determined opposition, principally from sources which at the present time are supporting annexation. The discussion was prolonged until May 18, when a proposal was made, without qualification or stipulation, that an additional loan be granted.

On this question the Count de Merode resigned his portfolio. The loan, however, was granted, and during the next session the government withdrew the bill for annexation.

It is evident that during all this time His Majesty the King was willing, if not desirous, of transferring the sovereignty of the Kongo State to Belgium. But when the period fixed for the expiration of the right of Belgium to annex arrived in 1901 the situation had entirely changed.

In the intervening period the Kongo Free State had ceased to be a burden, and had become a very profitable source of income to the royal exchequer, and the royal disinclination to hand over the valuable revenues to Belgium became more marked as the revenues increased.

In accordance therefore with His Majesty's desires, it was proposed to, and accepted by, the Belgian Parliament that in recognition of the signal success of the King's administration the right of annexation previously conceded should be waived as to any fixed time, though the right itself was not otherwise modified.

The direct result of this legislation was that the conditions of the convention of 1890 were abrogated, and the Kongo royal revenues were freed from the necessity of meeting the interest of the loan of 1890. Belgium retained the right of annexation, but lost the right of demanding reports on the Kongo budget, and also the right of limiting the power of the King to contract other loans or grant additional concessions.

This situation, highly satisfactory to the King but not wholly so to Belgium, was not arrived at without the exercise of the full influence of the royal prestige and the strenuous exertions of the government party.

The dissatisfaction with existing conditions in the Kongo has, since the enactment of this legislation, been steadily growing, and the popular discontent found expression following the publication

The pamphlet on the Kongo by Mr. Félicien Cattier in a prolonged people in various debate during the last session of Parliament. keen appreciation bore fruit in the reluctant agreement of the King

\* Handed by Commission to inquire into the administration of the tary of state for port the result of their findings. The report of this

commission, which was forwarded to the department in my No. 64, led to the appointment of a commission on reforms, whose report, containing numerous and valuable recommendations for the betterment of conditions in the Kongo, was forwarded to the department in my No. 99.<sup>a</sup>

In issuing the royal decrees to carry into effect the recommendations of this report His Majesty at the same time addressed a letter to the secretaries-general of the state.

\* \* \* \* \*

The Belgian Parliament assembled under the pressure of a vigorous public opinion which demanded an early and definite solution of the question in harmony with Belgian interests.

Coincident with the opening of the session, an interpellation was made by Mr. Hymans (Liberal) on the "situation created for Belgium, with reference to the eventual annexation of the Kongo by the letter of the King Sovereign, dated June 3 last, and the testamentary act thereto appended."

Some twelve or fifteen members participated in the discussion following this interpellation, but it will not be necessary to give more than an outline of the arguments.

Preliminary to the discussion, the premier, Count de Smet de Naeyer, stated that the Government was not wholly adverse to annexation, realizing that great advantages might result therefrom. He stated that a condition precedent to annexation would be the existence of a law defining the régime to be introduced in the Kongo following annexation, and the negotiation of a convention for the transmission of the King's sovereignty in the Kongo to Belgium.

Mr. Hymans then opened the discussion, under the interpellation, by asserting that this was a question to be solved independently of outside pressure and in harmony with the interests and dignity of the Belgian Kingdom.

\* \* \* \* \*

He directed his remarks in following to the conventional right of Belgium to carry annexation into effect whenever it should see fit, holding that the convention of 1890, which was fortified by the testament of His Majesty bequeathing the Kongo to Belgium, were irrevocable acts of two sovereign powers which could not be modified, except by the free and full consent of both of them; that, as the right of annexation had never been relinquished by Belgium, it remains intact—a State within a State—requiring simply the affirmative initiative of the Belgian Parliament to put it into practical execution. He protested in a dignified but resolute way against the tone and the matter of the King's letter of June 3 last, and said that the letter was not only ill advised and replete with false premises and erroneous conclusions, unacceptable to the Belgian people, but was calculated to promote rather than allay interference from the outside.

Concluding, Mr. Hymans said that, preliminary to annexation, a detailed examination into the affairs of the Kongo Free State would be necessary to ascertain exactly what was being annexed, as there existed a variety of opinions not only as to the state of the Kongo's finances, but also as to the obstacles to complete Belgium's sovereignty



created by concessions to the subjects of foreign powers, and the undefined juridical person known as the "Domain of the Crown."

The speeches of Mr. Van den Heuvel, minister of justice, and Mr. Woeste (Government), who followed Mr. Hymans in behalf of the Government, present no essential differences. Both admitted that the right of annexation existed, though they were not equally as positive as to the advantages to be derived therefrom; both defended the King's administration in the Kongo, asserting that the Berlin act had not been in any way violated by the granting of monopolies repugnant to the letter and spirit of that instrument, and both deprecated a preliminary examination into the affairs of the Kongo prior to annexation as a profitless and ungracious return for the royal generosity in bequeathing the Kongo to Belgium.

Neither speaker attempted to argue the constitutional points raised by Mr. Hymans.

Mr. Huysmans (Liberal) adopted practically the position of the Government, and, while declaring for annexation, pronounced himself as opposed to any action which might be interpreted as a reflection upon the King's administration of the Kongo or would in any way detract from the merit and generosity of the King's action.

Mr. Beernaert (Government) was not in accord with his party, but very nearly, if not entirely so, with Mr. Hymans.

He spoke with authority, as he had been premier at the time the original loan was made to the Kongo and had exercised a keen interest at that time in securing the convention with the King which is the basis of Belgium's present rights in the Kongo.

The fact that Mr. Beernaert carried with him, in support of Mr. Hymans's position, some twelve or thirteen government members, thus placing in doubt the Government's position, undoubtedly exercised a very strong influence in determining the result at the conclusion of the debate.

At the conclusion of the debate it became evident that no one of the various motions which had been submitted had a majority, and it was therefore determined at a consultation between the liberal and governmental forces that a new "ordre du jour," or motion, should be framed which would meet the demands of public opinion and command a healthy majority in the chamber.

The following "ordre du jour," or motion, was therefore submitted and adopted, with only 30 (Socialists) votes dissenting:

The Chamber,

Referring to the order of the day voted at the session of March 2, 1906;

Rendering homage to the greatness of the work in the Kongo and of the patriotic intentions of its founder:

Convinced that the civilized ideas which governed the establishment of the Independent State should continue to occupy the first place in the consideration of the country;

Considering that Belgium is authorized by the royal testament of August 2, 1889, to exercise full sovereignty over the independent State of the Kongo; that it possess also the right to annex the Kongo in virtue of the royal letter of August 5, 1889, and of the law of August 10, 1901, asserting the principle contained in the convention of July 2, 1890; and that it is to the interest of the country to definitely determine the question of annexation during the lifetime of the King;

Acting on the statements of the Government according to which the declarations contained in the letter of the 3d of June do not constitute condition, "but solemn recommendations;" the convention determining the session will only have in view the completion of the transfer and the prescription of the ex-



executive measures connected therewith; the Belgian legislative power will exercise full right of control in instituting the régime for the colonial possessions;

Considering that the committee charged with the examination of the bill of August 7, 1901, relative to the régime of colonial possessions, should be advised to adapt said régime to the conditions and needs of the independent State of the Kongo, and should have at its disposition for this purpose all the information necessary for drafting the law;

Acting on the declaration of the Government that it is ready to give its assistance in furnishing the committee all documents necessary to the elaboration of a law for colonial possessions;

Desiring, without prejudging the conclusion, to have the question of annexation of the Kongo submitted to it within as brief a delay as possible, in accordance with the views expressed by the Government;

Gives expression to the wish that the committee should hurry its work and report in as brief a delay as possible.

The ordre du jour is adopted.

It will be noted from reading the "ordre du jour" that three definite and important declarations are made:

First, the conventional right of Belgium to annex the Kongo in such manner and at such time as the Belgian legislative power may determine.

Second, that the necessity for prompt and diligent action by the committee having the colonial law in charge is urgent.

Third, that the Kongo administration is charged to immediately furnish the committee full information as to the present status of the Kongo State.

By the affirmation of Belgium's conventional right to exercise sovereignty over the Kongo, the conflict between the King as absolute sovereign of the Kongo and the Belgian legislative power ceases, and a free hand is given for the institution of a Belgian colonial régime whenever the Belgian Parliament shall determine upon annexation.

By the injunction of haste to the committee, the Belgian legislative power announces its intention to accomplish annexation as soon as the details essential to the framework of the colonial law shall come into its possession.

By the instruction to the committee to receive, and the Kongo administration to furnish, all essential details of the nature, scope, and condition of the present Kongo régime, notice is given to the world that light will be shed upon an hitherto impenetrable situation, and, further, that as a condition precedent to annexation it must be demonstrated that there is something to annex.

A great forward step toward annexation has therefore been taken, and the question of the right of annexation having been clearly and definitely settled, it may be anticipated that the logical and certain resultant therefrom will be annexation itself within a year, unless it should be discovered in the investigation made into the existing system that carrying the right to its conclusion would involve Belgium in great difficulties without adequate compensation.

The further developments in the situation will be noted and reported to the department from time to time.

As of possible use to the department, I inclose copies of the "Compte Rendu Analytique," which contains in the French text a résumé of the debates.<sup>a</sup>

I have, etc.,

HENRY LANE WILSON.

<sup>a</sup> Not printed.

## No. 6.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 15, 1907.*

Our attitude toward Kongo question reflects deep interest of all classes of American people in the amelioration of conditions. The President's interest in watching the trend toward reform is coupled with earnest desire to see full performance of the obligations of articles 2 and 5 of slave-trade act, to which we are a party. We will cheerfully accord all moral support toward these ends, especially as to all that affects involuntary servitude of the natives. It is the President's desire to contribute by such action toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of the Kongo administration. The Belgian Parliament having adopted principle of annexation and appointed a committee to arrange details, it is alike proper that the wish of the President for substantial improvement of conditions in the Kongo be made known, and that he should for the present observe an expectant attitude, as we understand is the policy of some of the powers signatories to the act of Berlin.

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## No. 7.

*Minister Wilson to the Secretary of State.*

No. 146.]

AMERICAN LEGATION,  
*Brussels, January 23, 1907.*

SIR: I have the honor to acknowledge the receipt of department's cablegram of January 15.<sup>a</sup>

A study of the cablegram, after its translation, convinced me that the department had not overlooked the fact that I hold no credentials to the Kongo Free State and could not for that reason maintain an official correspondence with it, but, desiring to have our attitude and the President's views brought to the attention of the Kongo Government, relied upon me to accomplish that result in such way and manner, officially or unofficially, as might seem most advisable.

On the day following the receipt of the cablegram I happened to meet at breakfast, in the house of a mutual friend, Mr. Edmond Carton de Wiart, the King's secretary, whom I have known more or less intimately since my first arrival here, and with whom I have frequently discussed phases of the Kongo question.

When an opportunity offered, I asked Mr. Carton de Wiart whether it would suit him, and would be agreeable to His Majesty the King, to take knowledge of the contents of a cablegram from the Secretary of State expressing our attitude on the Kongo question. He answered

<sup>a</sup> Supra.

that he would be very pleased to bring anything of that kind to the attention of His Majesty in a purely informal way. I accordingly handed him a copy of the cablegram.

He read the text carefully and understandingly, but did not ask for a copy. The only comment he made was to inquire whether my government was fully informed as to the present status of the Kongo question and the reforms that were in contemplation.

I answered that the legation had transmitted all available information to Washington.

On the next day, not being entirely sure that I had taken the most effectual method of bringing our attitude to the knowledge of the King's Government, I paid a visit to the Chevalier van der Elst, the secretary-general of the Belgian cabinet, who has been the unofficial intermediary through which I have acted always in Kongo matters, and said to him that I was in possession of an expression of the attitude of our Government relative to the present status of the Kongo question, and being without credentials to the Kongo Government I was uncertain as to what would be the most acceptable manner of making these views known.

The Chevalier expressed his willingness to convey the contents of my cablegram to the knowledge of His Majesty, and asked to be permitted to take a copy of the same. This I gave him, and I understood him to intimate that I might perhaps receive an acknowledgment, with some comments, later on.

Yesterday the King's secretary, Mr. Carton de Wiart, came to the legation to ask me whether the department was in possession of the Bulletin Officiel de l'Etat Independant du Congo, No. 6, twenty-second year, June, 1906, which contains, on pages 230-231, under the caption "Impositions directes et personnelles," articles 1 and 2 of the royal decree relative to direct and personal taxes to be paid by the natives. This publication has already been forwarded to the department, but I take the precaution of inclosing another copy herewith.

Whatever further information I obtain will be promptly transmitted to the department.

I will be gratified to know whether my course in this matter meets with the approval of the department.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure—Translation.]

#### ARTICLE I.

Article 2 of the regulation for direct and personal taxation annexed to the decree of November 18, 1903, is to be substituted by the following:

ART. 2. Every adult and able-bodied native is subject to tax, either individually or collectively.

The governor-general shall fix the amount of the tax proportionally to the resources of the several regions and to the population and to the degree of development of the natives. It can not be less than 6 francs nor more than 24 francs per year.

The tax is payable monthly, but the district commissioners may extend the period to two or three months, according to the requirements and heeding the particular needs of the natives.

ART. 2 bis. The natives may pay either in kind or in labor.

The district commissioners shall fix the articles, either from the natural products or industry of the natives, which are to be accepted in payment of the tax and their equivalent value.

They shall fix the kind of work which the natives may give in payment of the tax. They shall, taking as a basis the local wage rate, fix the equivalence in money of an hour's labor. They shall fix the quantity of produce representative of an hour's labor, taking into account the conditions under which the natives procure the product, the richness of the forest, its distance from the villages, the nature of the product, the method of gathering it, etc., but in such way that the number of hours of labor corresponding to the tax shall in no case exceed forty per month.

## ARTICLE II.

Articles 28, 29, 31, 32, 33, and 34 are substituted by the following:

ART. 28. Each year, before September 1, the district commissioners shall assess the amount of taxes for the following year according to the number of the natives residing in the territory of the district.

Before the 1st of March of each year the district commissioner shall take a supplementary census. The taxes set by the supplementary assessment are not to be collected until the July following.

The census shall bear the names of the natives and the share of tax due from each. They shall indicate, by divisions of the region, the various work or products utilizable which shall be accepted in payment of the tax, conformably with article 2 bis of the present regulation, and the share of compensation due to the contributors by virtue of article 33 below.

ART. 29. In exceptional cases the governor-general may, for good reason, remit part or all of the tax to the natives or populations which he may designate.

ART. 31. A table of equivalents, as provided by article 2 bis, is to be drawn up by the district commissioners, which must be approved by the governor-general, at the same time as the assessment for the tax.

Except in case of necessity, and then by permission of the governor-general, upon the suggestion of the district commissioner, the natives are not permitted to furnish as payment of the tax domestic beasts or birds, nor ordinary station labor.

ART. 32. The heads of posts or agents of the state specially designated by the governor-general, are charged, under the surveillance of the district commissioners, with the collection of the tax and may take to that end the necessary measures. The collection may be direct or through the native chiefs.

It is forbidden to arm "capitas" or sentries with breech-loading or improved rifles in collecting payments overdue.

ART. 33. To encourage the taste for work the natives are accorded, outside of the delivery of the products or in return for days of labor which they shall furnish, remuneration based on the value of the products or the local wage rate.

The remuneration is payable in merchandise at the choice of the natives or in notes upon the state's stores, payable upon presentation.

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## No. 8.

*Minister Wilson to the Secretary of State.*

No. 149.]

AMERICAN LEGATION,  
Brussels, January 27, 1907.

SIR: In my No. 146, referring to a conversation with the King's secretary, Mr. Carton de Wiart, re the department's cablegram of January 15, I intimated that possibly His Majesty might think it fit to make some observations thereon, and that in such case I would at once transmit the same.

I have just received from Mr. Carton de Wiart a note—copy and translation of which is inclosed—together with a memorandum



evidently drawn to meet the suggestions contained in the department's cablegram. A copy and translation are transmitted herewith, together with a copy of the circulars and instructions therein referred to.

So far as I am able to judge from my knowledge of the Kongo question, the memorandum is a correct statement of the Kongo Government's policy and of the workings of its administration. I consider it worthy of the department's attention and study.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure 1.—Translation.]

CABINET OF THE KING,  
*Palace of Brussels, January 25, 1907.*

MR. DEAR MINISTER: I have the pleasure of sending you herewith the information suggested by our conversation of the other day.

Please accept, etc.

CARTON DE WIART.

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[Inclosure 2.—Translation.]

1. Following is a description of the manner in which the provisions of articles 2 and 5 of the act of Brussels have been realized in the Independent State of the Kongo:

Article 2 defines the rôle of the interior stations and crossings. Independently of their principal mission, which is to prevent the capture of slaves and to close the slave-trade roads, their object is:

1. To serve as points of refuge and aid to the population, to diminish the intestine wars between tribes, to instruct them in agricultural works and industrial art, and to bring about the suppression of barbarous customs.

Regarding the slave trade, it may be said that it exists no more. The destruction of the power of the Arab slave traders in 1892 and 1893 devolved on the state, then just organized, considerable sacrifices, but it has resulted in putting an end definitely to the chase and trade of human beings. In 1892 the Arabs covered the country from the Tanganyika to the Sankuru, and, masters of Nyangwe, Kassongo, Stanleyville, they found their way to the north near Bomokandi. This whole region was the field of their depredations, and at that time it was stated that the slave trade—with accompanying murders—made annually a million victims. At the beginning, the government assumed toward them an expectant and conciliatory attitude, nevertheless strongly organizing its military resources. It was very soon convinced, however, that persuasion would not induce them to adopt the ways of honest commerce; the Arabs attempted to force the military barriers adopted to restrain them, and the conflict was produced. It terminated with the taking of Stanley Falls, of Nyangwe, the rout of Rumaliza in Tanganyika, and the defeat of all the chiefs of any importance.

The effective occupation of all these posts by the forces of the Kongo State has rendered impossible a continuance of the régime of slavery. The influence of the victories of the state over the Arab traders has, in reality, reached far beyond our frontiers in wiping out the Arab organization which devastated not only certain parts of the Kongolese territory, but all Central Africa.

Relative to the point before mentioned of the subordinate duties devolving upon the stations, it may be said that they have been equally accomplished. It will suffice to call attention to the fact that 296 posts of the state have been distributed over all the territory which is actually occupied, in such way that efficacious protection is given to the population and internal wars between the tribes prevented.

Relative to barbarous customs, human sacrifices, mutilations, trials by poison, etc., not only have they been legally condemned by our penal legislation (decree of September 18, 1896), but in addition the organization of the state, the development of lines of communication, and the extensive exploration of the

regions of the interior are in themselves certain factors for the extinction of these customs.

2 and 3. To give aid and protection to commercial enterprises, to maintain the observance of law in controlling particularly the contracts of service with the natives, and to establish permanent agricultural centers and commercial houses, as also to protect and to assist without distinction the missions founded or to be founded.

We must rely on statistics to prove the accomplishment of that part of the task assigned to the interior stations. If there are to-day, in the upper Kongo alone, 246 commercial houses and stations (the number of trading posts for the whole territory exceeding 500), and if the present existence there of more than a hundred permanent Catholic and Protestant missions is considered, it must be admitted that these different establishments exist because of the protection afforded them by the government posts. The control of relations between merchants and natives is provided for by the decree of November 8, 1888, which regulates contracts of labor.

4. To furnish sanitary service and hospitality and aid to explorers and to all those who aid in the work of wiping out the slave trade in Africa.

The state has organized medical service in all the districts. By introducing the study and practice of vaccination it has combated with success the spread of smallpox, and it at present combats the new disease of sleeping sickness, which desolates all of Central Africa; it will suffice to indicate here that by a decree of the 3d of June last a credit of 300,000 francs was made available for the study of the disease and a prize of 200,000 francs was established to be awarded to whomsoever should discover an effective cure therefor. It assists and subsidizes the missions or scientific institutions which are engaged in the study of this disease in the Kongo. There is in Brussels a school of medicine for tropical diseases which has just been created for the instruction and equipment of state physicians and more especially for their initiation in bacteriological processes. Relative to hospitality and assistance to be furnished to explorers and to those who combat the slave trade, it should be noted that the Anti-Slavery Society, established on the banks of the Tanganyika at the time of the Arab war, with the active support of the state, has worked with success in the extinction of the slave trade. The explorers and commercial agents, as well as the tourists and sportsmen of all countries, have always enjoyed the most generous hospitality in the Kongo, and recently many American citizens, notably Messrs. William Geil, Verner, Herbert Brigman, and Professor Starr, have stayed for long periods in different parts of the territory and have received every assistance.

The fifth article of the Brussels act provides that the different contracting powers shall make legal provision for the punishment of every kind of slave trading and of all attempts against personal liberty.

A report to the Sovereign King "on the legislation of the Independent State relative to the suppression of slavery and the protection of the black race," published in the Bulletin Officiel of 1889, No. 11, pages 197 and following, recounts the penal provisions taken at that time for that purpose. The report says:

"All attempts against personal liberty will be considered as offenses punishable under the provisions of article 11 and following of penal code. Whomsoever, by violence or threats, has carried away or caused to be carried away, arrested or caused to be arrested in an arbitrary manner, imprisoned or caused to be imprisoned, any person, is punished (article 2); whoever sells any person into slavery is punished. By these general regulations the traffic, the transportation, and the detention of persons as slaves falls under the provisions of the penal law."

Supplemental to these regulations, a decree of July 1, 1891, provides punishment, as required by article 5 of the Brussels act, for the capture, the conveyance, and the trade in slaves, the transportation and the concealment of slaves, the formation of organizations for the purpose of trading in slaves, all attempts against personal liberty, mutilations, etc., etc. A report was published in the Bulletin Officiel of 1895, pages 100 and following: "Relative to the measures taken by the Independent State in putting into effect the provisions of the Brussels act." This report analyzes not only the legislation in the matter of the slave trade, but recites also the regulations established in the matter of introduction of arms and spirits, the application of the law in these matters being considered, in the act of Brussels, as closely connected with the measures taken for the extirpation of the epidemics which decimate the native population.

In these different directions the legislative system installed by the state has gone beyond the scope of the provisions of the conference, thereby assuming heavier burdens than any power holding possessions in Africa.

Recently, publications hostile to the state have attempted to place upon it the responsibility for the reappearance of the trade in slaves on the Tanganyika. According to the testimony of a Catholic missionary, certain merchants coming from a neighboring colony took back with them not only rubber, but also slaves bought from the native chiefs. It is not denied that cases of this kind occur; it would indeed be strange if caravans should not succeed in smuggling slaves as well as products, owing to the circumstances that they have in their employ numbers of employees. According to the statements made to the press by Monsignor Roelens, superior of the vicarage of the upper Kongo, this traffic is not made extensively, and in fact it has only been necessary for this prelate to indicate the evil to the central government at Brussels to obtain an order to organize an active guard to prevent its repetition. It is nevertheless very difficult to prevent some infractions of the law. It is to the interest of the state to apply all its resources to that task; moreover, since these infractions cover the odious traffic in human flesh—even though this traffic existed in infinitesimal proportions—all the efforts of the Government will be nevertheless directed to wiping it out, and it expects to succeed fully.

II. Relative to the "inhuman treatment inflicted on the natives," the existence of which is affirmed by Senator Lodge in the motion submitted to the Senate at Washington, "ought to attract the attention of the civilized world and to arouse the indignation and compassion of the American people," it may be positively affirmed that there does not exist any organized system for the maltreatment of the natives, though it may be admitted that there occur in the Kongo, as in all the countries of the world, even the most civilized, individual crimes; but whenever such crimes are brought to the knowledge of the judicial authority their authors are prosecuted in the courts, the practical development of the state having as its corollary the widening of its civilizing influence in the material and moral condition of the natives.

The report of the investigating committee has indicated the improvements which ought to be made in the condition of the natives. The suggestions of the investigating committee, the impartiality of which the most ardent enemies of the Kongo State are compelled to acknowledge, has been studied by an examining committee, whose proposals have been formulated in a series of decrees on June 3, 1906, and published in the Bulletin Officiel of the Independent State of the Kongo, 1906, No. 6. On the question of the reforms realized by these decrees, the chief of the British foreign office said to the House of Commons on July 5 last: "If they should be applied in good faith they may produce a great change; they may produce much good." The state employs all its resources to effectually apply them. The circulars and instructions relative to the execution of the decrees of June 3, 1906, have been published in the Bulletin Officiel and this is the guaranty of the desire of the Government that the reforms referred to shall be carried out. A copy of these circulars is herewith inclosed.

All the arguments of the critics of the state consists of accounts that in certain villages the period of compulsory work exceeds forty hours a month. This can not be called inhuman treatment, and it would be better for the informants of the Kongo Reform Association, instead of agitating Europe, to bring the offenses to the attention of the local authorities, who, if the information is found to be correct, may be depended upon to punish them.

It may be affirmed that there are no instances of inhuman treatment in cases where the state is concerned. Relative to taxes, although the new decrees establish the principle that taxes are payable in money, it has been left to the choice of the natives to make payment in money, in work, or in products—in products in default of work, in money in a sum less than that paid in any African colony.

It is reasonable to suppose that so long as the circulating medium remains contracted and limited the greater part of the natives will elect to pay the tax in labor equivalent to the amount of tax in money. No one denies that this system is legitimate. The British minister for foreign affairs, at the session of the House of Commons referred to before, expressing his appreciation of the reforms initiated by the Kongo State, admitted that "if a native can not pay a tax and if his work is given to the state in lieu thereof, such labor may be properly termed a tax." This system of paying taxes by labor exists, moreover, in all the African colonies, because the most of the laws recognize the fact that



the native, since he is incapable of paying a tax in money, should have the right to assume other burdens in place thereof. The guaranties which surround the application of this labor tax are numerous; the amount of work is limited to forty hours per month, which is not excessive, according to the reports of the colonial experts. Severe punishment is inflicted upon officials who overtax the natives. The governor-general is charged with the duty of approving the tax rolls. These tax rolls are public property, and every native may ascertain what he ought to pay and when. The interference of commercial agents in the levying of the tax is forbidden, and this work is performed only by official agents. The state inspectors have been instructed to pay especial attention to the labor tax and to secure good treatment to the natives. The methods to be employed against natives who refuse to pay their taxes are defined by law in precise terms and are limited to imprisonment, excluding corporal punishment. The laws say that in case of refusal to make payment of the tax by labor, those natives not possessing either goods or chattels may be compelled to discharge their obligations (article 54 of the decree of June 3, 1906). The punishment consists in imprisonment, during which the prisoner is required to work (article 55); the imprisonment shall not exceed one month (article 57), and it may not be put into effect except after two successive personal notices, each with fifteen intervening days (articles 58 and 59).

An accurate knowledge of the fiscal régime in force in the Kongo upsets absolutely the idea of inhuman compulsory labor or of the imposition upon the natives of cruel and unusual tasks. It is well known that the native always complains of the payment of taxes; the African negro is particularly indolent, and unless the law is made to harmonize with the theory of industry he will remain indefinitely in a condition of idleness and laziness, and would be an invincible obstacle to the introduction of civilization and the improvement of Africa.

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### No. 9.

*Minister Wilson to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN LEGATION,  
Brussels, February 7, 1907.

Minister for foreign affairs of Belgium called on me yesterday for the purpose of expressing his views relative to the possible effect of the Lodge resolution now before the Senate. Having expressed a desire that his observations should be transmitted by telegram to Washington, I requested a memorandum on the subject. This he gave me, and it is as follows:

The Belgian Government having learned that the vote on the Lodge resolution is represented in the United States as being conducive to the immediate annexation of the Kongo by Belgium, the minister for foreign affairs, in a private conversation, has thought it expedient to call the attention of Mr. Wilson unofficially to the declarations of the Cabinet and of the leaders of the different political parties during the last discussion in the Chamber of Representatives on the Kongo question, according to which Belgium affirmed its intention to decide the question of annexation after a thorough examination of the subject and in the free exercise of its independence and autonomy.

WILSON.

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### No. 10.

*The Acting Secretary of State to Minister Wilson.*

No. 93.]

DEPARTMENT OF STATE,  
Washington, February 9, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 146, of the 23d ultimo, acknowledging the receipt of the department's



telegram of the 15th of the same month communicating to you this Government's attitude in relation to the Kongo question, reporting your action in making His Majesty's Government aware of its contents, except so much thereof as refers to the resolution pending in the Senate, and asking whether the department approves your course.

In view of the fact adverted to on page 2 of your dispatch, that you hold no credentials to the Kongo Free State and therefore can not maintain an official correspondence with it, the department is of the opinion that you have acted wisely in this matter and approves your course.

You are requested to furnish the department with a list of the members of the diplomatic corps at Brussels who are accredited to the sovereign of the Kongo State and to report how they are so accredited.

I am, etc.,

ROBERT BACON,  
*Acting Secretary.*

No. 11.

*Senate resolution in regard to the Kongo.*

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 15, 1907.

Whereas it is alleged that the native inhabitants of the Basin of the Congo have been subjected to inhuman treatment of a character that should claim the attention and excite the compassion of the people of the United States: Therefore, be it

*Resolved*, That the President is respectfully advised that in case he shall find that such allegations are established by proof, he will receive the cordial support of the Senate in any steps, not inconsistent with treaty or other international obligations, or with the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope, he may deem it wise to take in cooperation with or in aid of any of the powers signatories of the treaty of Berlin for the amelioration of the condition of such inhabitants.

Attest:

(Signed) CHARLES G. BENNETT,  
*Secretary.*

By H. M. ROSE,  
*Assistant Secretary.*

No. 12.

*Minister Wilson to the Secretary of State.*

No. 160.]

AMERICAN LEGATION,  
*Brussels, March 16, 1907.*

SIR: Referring to the last paragraph of the department's No. 93, of February 9 (File No. 1806/102-103), in which a list of the members

of the diplomatic corps of Brussels who are accredited to the Sovereign of the Kongo State is requested, I have the honor to report that I find upon investigation that none of the members of the resident corps are so accredited.

Such business as diplomatic representatives are obliged, under instructions from their governments, to transact with the Kongo Free State is usually carried on very much in the same manner as has been the custom in this legation.

The experience of other legations in transacting diplomatic business in this irregular and informal way has not been found satisfactory. \* \* \*

It should be remembered, however, that those acute phases of the Kongo question requiring delicate handling, accurate information, and intelligent understanding have developed only during recent years, and the necessity for adequate diplomatic representation has therefore only lately become of pressing importance.

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I have no information as to the intention of any government to accredit representatives to the sovereign of the Kongo State.

I am, however, of the opinion that, in our case, the clothing of the diplomatic representative of Belgium with additional powers to the Sovereign of the Kongo State would contribute considerably toward more effective diplomatic action.

I have, etc.,

HENRY LANE WILSON.

No. 13.

*The Acting Secretary of State to Minister Wilson.*

No. 96.]

DEPARTMENT OF STATE,  
*Washington, April 1, 1907.*

SIR: I have to acknowledge the receipt of your dispatch No. 160, of the 16th ultimo, reporting that none of the powers has accredited a diplomatic representative to the sovereign of the Kongo Free State, and suggesting that if the American minister were so accredited more effective diplomatic action would result.

In view of the action of the other powers, no change in the practice of the United States in this regard appears to be necessary.

I am, etc.,

ROBERT BACON,  
*Acting Secretary.*

No. 14.

*Minister Wilson to the Secretary of State.*

No. 199.]

AMERICAN LEGATION,  
*Brussels, July 12, 1907.*

SIR: I have the honor to report that at the session of the Belgian House of Representatives on July 10, the prime minister, J. de Trooz, responding to an interpellation submitted by Deputy Paul Hymans,

leader of the Liberal party, stated that the Government proposed immediately to take up the question of the annexation of the Kongo, and that pourparlers were being exchanged with the Independent State for the purpose of establishing the basis of the negotiations.

The prime minister, in connection with this statement, laid before the House correspondence which had recently been exchanged between the Belgian Cabinet and the secretary-general for foreign affairs of the Independent State.

Copies of the correspondence (inclosures Nos. 1 and 3) are transmitted herewith, together with translations thereof (inclosures Nos. 2 and 4).

I have, etc.,

HENRY LANE WILSON.

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[Inclosure 1.—Translation.]

*The Minister of Interior to the Secretary-General for Foreign Affairs.*

BRUSSELS, June 29, 1907.

Monsieur LE CHEVALIER: At the time of assuming control of affairs the Government laid before Parliament a declaration outlining its policy. We have now the honor to communicate to you herewith the portion of that declaration which relates to the Kongo.

As you may see, Monsieur le Chevalier, by perusal of this document, it is the intention of the Cabinet to make it possible for the Chambers to act upon the question of a colonial law and to determine if the interest of the country will justify the annexation of the Kongo at the present time.

The Government proposes, in this connection, to the government of the Kongo immediately to initiate the negotiations with the object of embodying their views in a convention to be submitted to the Chambers.

This convention, following the lines of that which was concluded on the 9th of January, 1895, will consummate the transfer and define the measures necessary to carry the same into effect.

It appears opportune at this time to designate special delegates selected by the two States to prepare the said convention.

It would accord with our views to have four plenipotentiaries designated on each side to take charge of the work.

We therefore beg you to advise us if the views of the Independent State agree with ours on this subject

Please accept, etc.,

|          |   |
|----------|---|
| (Signed) | MINISTER OF INTERIOR,<br>J. DE TROOZ.     |
| (Signed) | MINISTER OF FOREIGN AFFAIRS,<br>DAVIGNON. |
| (Signed) | MINISTER OF JUSTICE,<br>RENKIN.           |

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[Inclosure 2.—Translation.]

*The Secretary-General for Foreign Affairs to the Minister of the Interior.*

BRUSSELS, July 8, 1907.

Monsieur LE MINISTRE: By letter of the 29th of June last, the Belgian Government has made known to the government of the Kongo State its intention to enable the Chambers to consider a colonial law and to determine whether the interest of the country will justify the annexation of the Kongo at the present time.

It proposed in that connection to the government of the Kongo immediately to initiate negotiations with the object of embodying their views in a convention to be submitted to the Chambers. This convention, following the line of that which was concluded on the 9th of January, 1895, will consummate the transfer and define the measures necessary to carry the same into effect.

The government of the Kongo has the honor to inform you, Monsieur le Ministre, that it accepts this proposition and is ready, at such time as will suit the convenience of the Belgian Government, to negotiate the convention which shall embody the understanding arrived at between the two States.

The Belgian Cabinet suggests that the two Governments should select special delegates to be charged with the preparation of the said convention, and that these delegates should be four in number for each party; these views equally meet the approval of the Kongo State.

Please accept, etc.,

(Signed)

CHEVALIER DE CURVELIER.

No. 15.

*Chargé Bliss to the Secretary of State.*

No. 215.]

AMERICAN LEGATION,  
*Brussels, August 27, 1907.*

SIR: Referring to Mr. Wilson's No. 199, of June 12, I have the honor to report that on Friday last, the 23d instant, the names were made public of the plenipotentiaries whom the Belgian and Kongo-lesse governments have appointed to draw up a convention to be submitted to the Belgian legislative bodies.

The Kongo delegates are: General de Wahis, late governor of the Kongo; Mr. Willemaers, president of the Brussels court of appeal; Chevalier de Cuvelier, secretary-general for foreign affairs of the Independent State of the Kongo; and Mr. Ernest Solvey, a prominent Belgian manufacturer and philanthropist. The Belgian delegates are: Mr. Joostens, Belgian minister to Spain; Mr. van Maldegheem, president of the court of cassation; Mr. Beco, governor of the Brabant Province; and Mr. van Cutsem, a director in the Belgian treasury.

Mr. Solvey and Mr. Joostens are personal friends of His Majesty the King, while the other plenipotentiaries, with the exception of General de Wahis and Chevalier de Cuvelier, have little knowledge of colonial matters.

The commission held its first meeting yesterday in the ministry for foreign affairs.

I am, etc.,

ROBERT W. BLISS,  
*Chargé d'Affaires ad interim.*

No. 16.

*Minister Wilson to the Secretary of State.*

No. 241.]

AMERICAN LEGATION,  
*Brussels, October 16, 1907.*

SIR: I have the honor to inclose herewith the copy in the English text of the bill for a colonial law offered by the present ministry and which is now being discussed by the special committee of Parliament appointed for that purpose.

This commission has been meeting in regular session for some time past, and each article of the proposed law has been subjected to rigid



scrutiny and has provoked long debates, numerous amendments being offered, some of which are valuable additions to the law and others of an impractical character.

As there is no official report of the proceedings it is difficult to know the amount of progress that has been made and what changes, if any, have been recommended.

The principal objection of the opposition is to Article XIX, which contains the provision for a colonial council of nine members, to be nominated by the King.

I have, etc.,

HENRY LANE WILSON.

No. 17.

[Inclosure—Translation.]

*Belgian colonial project.*

ARTICLE I. All Belgian colonies shall be considered as possessing a legal status separate from that of the mother country, and will be regulated by special laws.

ART. II. All legislative power over Belgian colonial possessions will be held by the King, according to the present law and with certain known exceptions.

ART. III. Such legislation will be exercised by royal decrees. With the exception of certain points named in Articles IX, X, and XIX, the decrees will be signed by the King on the suggestion of the minister of colonies. No decree is to be considered as law until after publication.

ART. IV. The executive power will belong to the King. It will be made known by regulations and by-laws.

ART. V. No act of the King can take effect until it has been countersigned by a minister, who thus will be alone responsible.

ART. VI. No customs or taxation may be established or rescinded except by royal decree.

ART. VII. The Belgian currency in gold and silver is to be available under the same conditions for the Kongo. Any profit resulting from minting extra Belgian money for the colony will pass to the colonial budget. The King will reserve the right to strike billon coins for special colonial use, which will not be current in Belgium.

ART. VIII. The budget of receipts and expenses will be passed each year by the King. But the salary of the colonial minister and the expenses of the central colonial government in Belgium will form a special budget, which will be annually submitted to the Chambers, according to article 115 of the constitution.

ART. IX. The decrees approving loans chargeable to or under the guaranty of the colony, and the works on extraordinary supplies, will only be taken on the propositions of ministers in council.

ART. X. All cession or concession, either made freely or for payment, no matter the length of time either of domanial possessions or of the enjoyment of such, situated in colonial possessions, must have the consent or authorization of royal decree. The act which sets forth the permission must contain the stipulations made in each case by ministers in council.

ART. XI. Both civil and military justice will be organized by decree.

ART. XII. The functionaries of judicial law will be appointed and revoked by the King. Their revocation can only take place at the demand of the governor-general, which shall have for its basis reasons foreseen by decree, and with the advice of the supreme colonial tribune.

ART. XIII. The King may, for reasons of public safety, suspend in any neighborhood decided upon all courts and tribunals of civil justice and confide the exercise of repressive justice to the military.

ART. XIV. Justice will be given and executed in the name of the King. Such will be justified. The King retains the prerogative to pardon, reduce, or commute punishments.

ART. XV. The King may delegate the executive power to the governor-general of the colony. He may authorize, when the interest or the safety of the colony requires it, the momentary suspension of decrees, and himself pass regulations to be considered as laws. But such regulations having this object cease to be en-

forceable after the delay of a year if they have not been approved by decree before that period expires.

## CHAPTER II.

ART. XVI. Each year a report on the administration of the colonial possessions shall be submitted to the chambers in the name of the King. This report will contain all the information necessary to explain the political situation, the economic, the financial position, and the moral status of these possessions to the national representatives.

ART. XVII. The colonial budget for the current year, as well as the detailed account of the receipts and expenses of the last financial year, will be added as schedules to the annual report.

## CHAPTER III.

ART. XVIII. A colonial ministry will be instituted. The colonial minister will be nominated and revoked by the King, and will form part of the colonial council. Articles 86 to 91 of the Belgian constitution will be applicable to him.

ART. XIX. The colonial council will be composed of nine members, nominated by the King. They can only be revoked by a decree of the ministers in council. Five of these members must have already exercised administrative, judicial, or military order in the colonies, or have managed for at least eighteen months an industrial or commercial establishment. The other members will be chosen from the superior grades in the army, magistrates of the courts of cassation or appeal, members of the council of industry or commerce, members or former members of the diplomatic and consular corps, and professors of universities. The length of office in the colonial council will be nine years. One member—open to reelection—will retire each year. No member of either House of Parliament may form part of the council.

ART. XX. The colonial council will deliberate on all matters submitted by the King. The council will be consulted in all royal decrees excepting in cases foreseen by Articles IX, X, XIX. The council will give its advice in the form of reports, with reasons. Decrees passed in urgent cases will be submitted to the council within ten days of their date, with an indication of the reason for urgency. When the project of decree to be signed by the King is against the opinion of the colonial council, the decree will be published with an explanatory report by the minister of the colonies. In case of urgency this report will be published within twenty days of its receipt of the communication. The minister will preside over the sances and will have a casting vote.

## CHAPTER IV.

ART. XXI. The King will make treaties concerning colonial possessions. The regulations of article 68 of the Belgian constitution concerning treaties will apply to the colonies.

ART. XXII. The Belgian minister for foreign affairs will manage the relations between Belgium and foreign powers concerning the Kongo.

## CHAPTER V.

### *General regulations.*

ART. XXIII. Judgments passed in civil and commercial matters in Belgium are to be carried out in the colonies. Judgments passed by colonial tribunals will be legally executable in Belgium.

ART. XXIV. Whoever, having broken colonial law, has taken refuge in Belgium will be judged by Belgian law. Whoever, having broken Belgian law, has taken refuge in the colony will be handed over to Belgian justice and tried accordingly.

ART. XXV. Functionaries and military men authorized to accept engagements in the colony will keep their rank and right to advancement in their former profession left temporarily.

ART. XXVI. With the exception of the flag and seal of Belgium, the Kongo colony can make use of the present Kongo flag and seal as used.

ART. XXVII. All decrees, regulations, and other acts now working in the colonies retain their force, except any which the new laws would make void.

ART. XXVIII. Any proposal or modification or addition to this present code will, at the request of the Government, be submitted to the colonial council.

No. 18.

*The Secretary of State to Ambassador Reid.*

DEPARTMENT OF STATE.

*Washington, November 4, 1907.*

MY DEAR MR. REID: I inclose a copy of the English text of the bill for a colonial law now under discussion by a special committee of the Belgian Parliament.<sup>a</sup>

It seems to me that the enactment of this law would be a most unsatisfactory conclusion of the effort to redress and prevent for the future the outrages which have been committed on natives of the Kongo region under the control of the King of Belgium.

You will see that practically the only attempt at any check upon the absolute power of the King is under a colonial council, which, under the nineteenth article of the proposed law, is to be nominated by the King himself. This is mere trifling with the people who have been justly dissatisfied with the conduct of affairs in the Kongo.

I wish you would talk informally with Sir Edward Grey on this subject and ascertain whether, in case this bill becomes a law and the effort of Belgium ends there, Great Britain will accept such a result as being satisfactory performance of the trust which was committed to the International Association of the Kongo under the Berlin convention of 1885. I can not believe that he will consider that the duty of Great Britain, the performance of which she assumed by that convention, will have been discharged by an assent to such a disposal of the matter.

You may say to Sir Edward Grey that the United States \* \* \* are, however, gradually coming to a frame of mind in which we are disposed to consider the further continuance of the conditions which have existed in the Kongo as being a violation of the spirit, if not the letter, of the Brussels convention of 1890, which, in its second article, expressly includes among its objects—

To diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts, so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs. \* \* \* To give aid and protection to commercial enterprise; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centers of cultivation and of commercial settlements.

Faithfully yours,

ELIHU ROOT.

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No. 19.

*Minister Wilson to the Secretary of State.*

No. 249.]

AMERICAN LEGATION,

*Brussels, November 13, 1907.*

SIR: I have the honor to report that in accordance with the constitutional provision the Belgian Parliament convened on the second Tuesday of November.

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<sup>a</sup> Printed ante, p. 27.

The deliberation of the Parliament during the present session will be directed to a solution of the question of the annexation of the Kongo to Belgium, and this important measure will take precedence of all others.

The proceedings of Parliament will be observed with interest and reported to the department from time to time.

I have, etc.,

HENRY LANE WILSON.

No. 20.

*Ambassador Reid to the Secretary of State.*

Personal.]

AMERICAN EMBASSY,  
London, November 19, 1907.

MY DEAR MR. ROOT: Your letter of November 4 was received a few days ago, and to-day I took the first opportunity since its receipt for talking unofficially with Sir Edward Grey about the Kongo business. After telling him that your letter was confidential I added that perhaps the simplest way of discharging my duty was to read it to him, and so I read it almost in full.

He at once said that the views of this country, and his own views, coincided quite fully with those which you expressed. It was clear that the proposal to which you referred could not be acceptable either in the form in which you sent it or with the various amendments which had since been proposed.

He did not believe, however, that the time had yet come for England to go beyond the expression on this subject recently made by the prime minister in his speech at the Mansion House.

\* \* \* \* \*

Sir Edward felt quite sure, however, that the English people would not be content with anything like the disposition of the case proposed in the *projet de loi* referred to. He was extremely glad to learn that the United States took an interest in the subject and held similar views. He would not fail to communicate with me later if any change in the situation should warrant it. \* \* \*

I think the foregoing gives a fair idea of the spirit and purport of a conversation which was prompt, frank, and direct on Sir Edward's part and seemed to be without any reserves.

Yours, sincerely,

WHITELAW REID.

No. 21.

*The Consul-General at Boma to the Secretary of State.*

AMERICAN CONSULATE-GENERAL,  
Boma, November 20, 1907.

SIR: I have the honor to inclose herewith my report upon existing conditions in the Kongo. The conclusions I have formed as a result of observations made during my recent trip are concurred in by Mr.



Memminger, who accompanied me, and to whose valuable aid, rendered in many ways during a somewhat difficult journey, I am very glad to acknowledge my indebtedness.

I have, etc.,

JAS. A. SMITH,  
*Consul-General.*

[Inclosure.]

In the administration of the Kongo Free State the chief question has been, and is at the present time, the one of taxation. The fact that the State exacts a tax in labor, and the many abuses which have occurred, and still occur, as the result of the enforcement of this system of prestation, have given rise to a large part of the criticisms which have been directed against it. The ordinance of July 1, 1885, declared, in part, that the vacant lands were to be regarded as belonging to the State. The vacant lands were considered as all those not actually occupied or under cultivation by the natives; their proprietary rights in and over their own country were ignored, and the State, in continuation of this policy, has proceeded, under the guise of taxation, to compel the natives to contribute for its benefit, and that of a number of concessionary companies, the natural products of these lands, consisting, for the most part, in rubber, ivory, and gum copal. Briefly, the royal decree of June 3, 1906, provides that every valid and adult native is subject to an annual tax of from 6 to 24 francs, depending, as is stated, on the resources of the various regions and the degree of development of the natives. Children of 16 years of age are considered as adults, and the law is so worded as to include women. The tax is payable monthly in either products or labor, and, nominally, the number of hours of labor which the native must perform to acquit himself of his tax must not exceed forty hours each month, including transport. The law further provides, "pour faire naître chez les indigènes le goût du travail," that they shall receive a remuneration at the time of the delivery of the products, or in exchange for the number of hours of labor performed, calculated according to the value of the products or the average rate of local wage. Such, in substance, is the wording of the law, and the main purpose of my trip was to investigate the conditions which have arisen out of its application. It may be remarked here that in the lower Kongo, where money is in circulation, the tax is, as a rule, paid in cash.

For administrative purposes the Kongo Free State is divided into districts, each of which is administered by a "commissaire de district," under the direction of the governor-general at Boma, who in turn is charged with the execution of measures approved by the central government at Brussels. The various districts are divided into zones, and these again into sections and posts, and administered respectively by a "chef de zone," "chef de secteur," and "chef de poste." The latter official is the agent for the collection of taxes.

I left Boma, accompanied by Mr. Memminger, on August 1, on the steamship *Leopoldville*, reaching Matadi the same day, a run of four or five hours. Matadi is important as being the terminal port of the European steamers and the starting point of the railroad line to Leopoldville. I remained here one day, securing accommodations at the mission of the American Baptist Missionary Union. I had an interview during the day with the commissaire of the district, and learned from him that he had recently recommended to the governor-general that the tax in his district be fixed at 12 francs per year for each male of 14 years or over, payable in cash, females to be exempt. In certain parts of his district, away from the railroad, he had recommended that the tax be fixed at one-half the amount, or 6 francs per year. His recommendations had not, at the time of my visit, been approved, but I was informed upon my return that women also were to be taxed. Laborers working for the State here are paid at the rate of 6 francs per month, with rations consisting of dried fish and rice. It will be noted that the tax imposed amounts to one-sixth of the average wage, and the missionaries with whom I talked considered it excessive, especially for those living away from the railroad, where no work was to be had and no money was in circulation. Laborers in the employ of the railroad are paid, I was informed, from 10 to 15 francs per month, with rations. I questioned the missionaries whom I met at Matadi as to the general conditions among the natives in the district, and beyond the objection to the amount of tax they had no complaint to make. In the lower Kongo, of which the district of Matadi

forms a part, money is in circulation, a condition of free trade exists, and the natives, so far as my observation goes, are not harshly treated and are apparently contented. In none of these respects can the same be said of the upper Kongo, at least in the regions I visited. Accompanied by the commissaire I inspected the prison for blacks. It consisted of a courtyard about 75 feet square, with a rough stone building on one side providing sleeping accommodations. The beds were wide wooden platforms raised a couple of feet from the ground. Four or five of the inmates sleep together on one of these. The prison is used for men convicted of minor offenses, the penalty for which is not more than a year's confinement. They are chained together in pairs, and do porterage work on the arrival of steamers and trains and general scavenger work in the town.

I left Matadi on the evening of August 2 for Leopoldville. The journey requires two days, a stop for the night being made at Thysville. The railroad is narrow gauge and rock ballasted for most of the distance and is well managed, with the exception of the cars being uncomfortably small and far from clean. The first-class fare is exorbitantly high, 200 francs being charged for the journey of 250 miles, or at the rate of about 16 cents a mile. The second-class cars are open, with seats running across, and are occupied, as a rule, entirely by blacks. The second-class fare is 25 francs.

The importance of Leopoldville arises from its being the terminal of the railroad from Matadi and the port of departure for the steamers leaving for the upper Kongo, and it is also, with the exception of the region around Stanley Falls, the end of the free-trade zone. Beyond this point practically the entire territory of the Kongo is exploited by the State itself or by concessionary companies in which the State holds a large and, in many cases, controlling interest. I remained at Leo until the 21st of August, visiting several of the native villages in the vicinity, making a trip to Brazzaville, on the French side of the river, and to the headquarters of the new American Congo Company, a day and a half's trip up the river. During my stay I had interviews with the leading state officials, several of the local missionaries, natives, and others familiar with the situation.

The State has in its employ at Leopoldville at the present time about 1,200 native workmen. In addition there is a detachment of about 120 native soldiers. The workmen are employed in loading and discharging cargo from the river steamers, building and repair work on the river front and on damaged steamers. Together with their wives the native force reaches an aggregate of about 2,000 souls. The workmen are impressed into service for a term of five years by military conscription for, as the law states, "the execution of works of public utility." The English vice-consul at Stanleyville, in a report to his Government, says in regard to this system:

"\* \* \* But I am not aware of any civilized state in which conscription is applied to 'works of public utility.' The abolition of compulsory porterage, canoe paddling, and the substitution of paid workmen appears to be a great relief. But these 'travailleurs salariés' are the conscripts; they are hunted in the forest by soldiers and are brought in bound by the neck, like criminals."

At Leopoldville these conscript workmen are paid by the State in cash at the rate of from 4 to 10 francs per month for their first term of five years. In addition, they receive rations, consisting for the most part in chikwangue ("kwanga"), the native bread made from the manioc root. To provide this food the State levies an impost on the natives in the surrounding region and forces them to bring it in at intervals of four, eight, or twelve days, depending upon the distance from the town. Beyond the clearing of the forest the work of planting, digging the roots, soaking, barking and retting, making into loaves, and boiling falls entirely upon the women. Even the transport is for the most part performed by them or by the children. As a remuneration the State pays at the rate of 6 centimes a kilogram in cloth or other merchandise. The tax has been fixed in this district at the maximum of 24 francs per year, so that at the above rate of 6 centimes fixed by the State each woman (and I was informed that only the women are counted in reckoning the amount each village must furnish) must supply 400 kilograms of chikwangue per year. The commission of inquiry sent out here in 1904 by the King reported as follows in reference to this tax:

"The worst feature of this imposition is its continuity. As the chikwangue can be preserved only a few days the native, even by doubling his activity, can not at one time discharge his obligations extending over a long period. The imposition, even if it does not demand his entire time, loses a part of its real

character as a tax and besets him, therefore, continually, through the preoccupation of these approaching deliveries which make the task lose its true character and transforms it into incessant compulsory labor."

And again:

"\* \* \* It is none the less inadmissible that he should be obliged to travel 150 kilometers to bring to the place of delivery a tax which represents a value of about one franc and a half. This remark is equally just, even if it is granted that the compensation given to the native represents the exact value of the article furnished."

No one who visits Leopoldville and the surrounding region can do otherwise than admit the justness of these observations, and yet, beyond the fact that the State has arranged that the chikwangu from the zone farthest distant from the town can be delivered at a nearer receiving station located on the railroad line and from thence transported by rail to Leo, nothing has been done to relieve the situation. It is true that a small plantation of some 90 acres, entirely inadequate to meet the needs, has been started at N'Dolo, a few miles from Leo, which is principally given over to the cultivation of maize and sweet potatoes and manioc, but I was reliably informed that a normal crop would not suffice to feed the state employees for a month, so the improvement is more apparent than real. In my visits to the surrounding villages I did not see a woman who was not busily engaged in making kwanga for the State, from which they receive but a trifle more than half its market value at Leo. The men are subject to the *corvée*, or obligatory labor, at any time the State requires their services. The condition of their villages, the wretchedness of their miserable hovels, the entire absence of any and every thing indicating benefits derived from contact with the white man's civilization, or an improvement in economic condition as a result of an almost constant labor forced upon these poor people, could not fail to impress any impartial observer. The commissaire of this district is an intelligent and, I believe, humane man, but his efforts to ameliorate the condition of the native can result in but little as long as the system under which he is compelled to administer his district is adhered to.

With the testimony of the missionaries and the natives themselves it is not difficult to arrive at the conclusion that the law restricting the taxation in labor to forty hours per month as applied here is devoid of meaning. The evils of the system are further accentuated by the question of transport, devolving almost entirely on the women and children. One sees at Leo long caravans in which the women and children, some of the latter not more than 9 or 10 years of age, and of both sexes, arrive loaded down with heavy burdens of kwanga as a tribute to an administration which refuses to ration its employees and soldiers in cash because it can compel this form of imposition at a cost, as I have stated, but little more than half the amount it would be obliged to pay these employees if they purchased the same rations in the open market. Admitting, as a principle, that a certain tax should be imposed upon the natives, the only remedy for the conditions existing among them in this region requires the exaction of a reasonable sum yearly in cash and payable at a time most convenient to the native. The sum of 24 francs, or its equivalent, in products at a depreciated valuation and paid for in merchandise upon which the State undoubtedly makes a profit, is ridiculously out of proportion to the economic condition of the native population in this district. I learned at Brazzaville that the natives in the French Kongo, where similar conditions prevail, are taxed at the rate of 5 francs per annum, which is paid in cash. Women are not taxed, and in the remoter sections where money is scarce and labor not much in demand the amount is but 3 francs per year.

In contrast to the conditions prevailing in the surrounding region was the arrangement made by the State at Leo for the proper housing of its black laborers and soldiers. Situated on a high elevation at the back of the town, the houses well built in the native fashion, regularly lined out, and separated by wide spaces and broad streets to insure proper sanitary conditions, they are a credit to the administration. I also visited the lazaret, at some distance from the town, where patients suffering from sleeping sickness are isolated. Inclosed within a stockade are thirty or forty wretched houses in which at the time, and scattered around the inclosure, were 112 unfortunate blacks in various stages of the disease. Filth abounded everywhere, a general air of neglect pervaded the place, and I came away with the question in my mind as to what a humane and generous administration would have done to properly



house and care for these doomed and suffering people. The hospital for blacks consists of a series of eight or ten decently constructed buildings on the river front below the town. It was fairly clean, and the patients are well looked after by the physician in charge, evidently a skillful man interested in his work.

I left Leo on August 21 on a small state steamer of 35 tons, the *Ville de Bruxelles*, and arrived at Irebu, a military instruction camp at the mouth of the outlet to Lake Tumba, on the 30th. The absence of any signs of life for the greater part of the distance was the most noticeable feature of the trip up the river. Occasional groups of palm trees marked the sites of former villages, the inhabitants of which had either fled to the French side or been decimated by the ravages of sleeping sickness. The State has a number of wood posts established along the river, at which the steamers stop to take on fuel. I learned that the men employed as choppers at the posts are paid from 4.50 to 7 francs per month in cloth or other merchandise, with rations of kwanga brought in as a tax from the interior villages. I was informed by a white agent at one of these posts that chickens and goats to supply the white personnel at the post and passing steamers are also contributed by these villages. The latter form of imposition would seem to be in violation of the spirit of the decree of June 3, 1906, which declares that the native can not be obliged to furnish such a tax as "sauf le cas de nécessité" (except in case of necessity) and upon the authorization of the governor-general, but, as was remarked by my colleague, the British vice-consul at Leo, "the laws are elastic and the case of necessity ever present." The white agent, in answer to my inquiry, said his orders to exact this tax were only verbal and not official. Our steamer was regularly supplied at these posts with kwanga for the crew and goats and chickens for the whites on board. The black crew of the steamers are paid 5 to 7 francs per month, with rations. At Irebu the State has a military instruction camp. About 800 recruits are stationed here. The region around is taxed in kwanga and the riverine folk in smoked fish to supply food for the garrison. From Irebu I went to Ikoko, a mission station of the American Baptist Missionary Union on Lake Tumba, where I made arrangements to hire the small mission steamer *Henry Reed* for my trip up river. I found this not only cheaper than traveling by the state steamers, but preferable from every point of view. I was very anxious to get into the rubber-bearing districts, as I found it impossible to secure any accurate idea of the existing situation along the river.

I left Ikoko on September 4, arriving at Upoto, in the Bangala district, on September 16. During the trip up the river I stopped at Bolonge, Coquilhatville, Eala, Lulanga, and Nouvelle Anvers. Coquilhatville is the residence of the commissaire of the Equator district, Nouvelle Anvers of the Bangala district, and Bolonge and Lulanga are mission stations of American and English societies, respectively. At Eala are located the botanical gardens of the State. At all of these places I inquired particularly as to the condition of the natives, the amount of their taxes, etc. Statements as to the latter were confusing and did not correspond even among the state officials. At Bolonge I was informed that the tax in dried fish was four bunches per week per man, weighing about a pound to the bunch. The State pays at the rate of one mitako (small brass rod) per bunch, while the current value is ten to fifteen times the amount. The native fishermen complain of the difficulties of supplying the amount demanded and of the inadequacy of the remuneration. In high water, when fish are scarce, they are obliged to go a distance of 80 miles to the Ubangi River to secure them. The region around Coquilhatville supplies kwanga as a tax, and I was informed that it was brought in from villages three days' journey from the post. At Lulanga similar conditions prevail. In addition to the mission station a state post is also located here. The remuneration for the kwanga and fish is only one-tenth of its current value, and I learned on the best of authority that the soldiers stationed here sold their rations exacted by the State as a tax at a price ten times in excess of the remuneration allowed the native. The missionaries at Lulanga informed me that formerly the villages here had a population of fully 5,000 people, while at present they contained scarcely 1,200, the greater part of the population having fled to the French side to escape the onerous burdens forced upon them by the State. I visited a number of the villages in the vicinity of the mission stations. The same destitute conditions as those I had seen at Leo and other points coming up river were evident, and the statements but tedious repetitions of the same story of excessive taxation with no corresponding benefits derived. At Eala the State has, as stated, a large botanical garden placed under the able direction of a well-known botanist, who re-

ceived us with the utmost courtesy. Experiments are being made here with every variety of tropical plant, both foreign and indigenous. Especial attention is being given to the various varieties of rubber vines and trees, to ascertain their relative value as producers. The State has for some time been engaged in establishing rubber plantations in the immediate proximity to its posts, the young plants being supplied from here. The director assured me that in many regions the rubber was practically exhausted, a fact which I had ample opportunity of proving later on.

I had previously decided to make my trip into the interior from Upoto, in the Bangala district. This region has not previously been visited by any consular officer, and beyond the reports of the missionaries but little was known by the outside world as to the actual situation. Besides, it is considered one of the richest rubber-producing sections in the State. We arrived here on September 16, and a few days were spent in preparation for the trip, securing carriers, etc.

Leaving Upoto on September 20, I arrived at N'gali on the following day, Friday, after a march of nine hours through the dense forest. Besides Mr. Memminger, I was accompanied by Mr. Dodds, an English missionary at Upoto, familiar with this section of the country and with the native Ngombe language. An American missionary, Mr. Metzger, who had had charge of the steamer, also accompanied me. N'gali is the center of a rubber-producing district. The State has a rubber-collecting post here, with an agent and assistant in charge, and there was also a small detachment of armed workmen commanded by a white officer. Previous to our arrival we were met by a native, who informed us that on Sunday the "rubber buying" was to take place at the post, it being the regular monthly delivery day. It seemed, therefore, as though our coming was well timed. Much to my surprise, however, the chef de poste informed me that he would not receive the rubber for several days. After questioning many of the natives in the near-by villages, who answered me that Sunday was the regular day, I concluded that the agent for some reason did not desire our presence at the "market," and I therefore announced to him my intention of remaining until it took place. Seeing that I was determined to stay, he finally said he would "buy" on Monday. I spent the intervening days in questioning the natives in the various villages near the post as to the time required each month to collect their quota of rubber and as to the treatment received from the white agent. The tax here is fixed at 3 kilograms of rubber per month, and the nominal remuneration, 43 centimes per kilogram, paid in merchandise. I was told everywhere that the rubber in the surrounding territory was exhausted, that they were obliged to go four or five days' journey before finding the vines, and that, ordinarily, it took them ten to fifteen days to fill their baskets after reaching the place—in other words, twenty to twenty-five days each month spent in the forest to fulfill the obligation forced upon them by the State. While I was not inclined to be overcredulous in regard to these statements, the practical unanimity of the assertions as to the matter, both here and later at the villages farther on, convinced me of their truth. On Monday I was present at the delivery of the rubber. About 250 to 300 natives came to the post with their baskets. I had the day before asked to be allowed to weigh one of them filled with rubber, but was informed by the white agent that the scales had been sent to a distant village in his district, where rubber was also received. I was not able to dispute this, but on Monday morning, when the rubber was brought in, strange to say they were ready. The baskets vary in size, but the native is supposed to fill it. As to the amount in weight of rubber it contains he has not the shadow of an idea. He is only certain that if his basket does not contain the quantity demanded punishment will follow. As each man's name was called he came forward, hung his basket on the scales, the amount was called out by the agent and duly noted in a book by his assistant, and the native received his remuneration. This, if his basket was full, was a cheap machete and two or three small squares of salt weighing as many ounces, perhaps; if not, he was promptly seized by one of the armed workmen and marched off to prison and forced labor, to complete his tax by cutting up rubber for drying. Although a variety of articles were scattered about on the porch where the delivery took place, such as pieces of cloth, cheap leather belts, enameled-iron plates, small mirrors, cheap spoons, etc., the native apparently had no choice, the agent dictating each time the article to be given. The principal aim of each one seemed to be to have his rubber weighed and get out of sight as fast as possible. If his rubber was short, he received nothing but a small slip of paper upon which was written in a language he could not read or understand the amount brought in.



In some cases for a particularly large basket two machetes were given with the salt; occasionally a cheap leather belt, but this was seldom. I stood for a time directly behind the scales, where I could watch closely the weighing and noted that the amounts as called out were not correct. Upon my calling the attention of the assistant to this he informed me that the scales were out of order and actually registered  $1\frac{1}{2}$  kilograms more than the correct weight. Even admitting that he told the truth, the natives were being unmercifully cheated, as I distinctly saw baskets weighing  $6\frac{1}{2}$  and 7 kilograms called out as 4 and 5. Many times baskets over 5 were called as 3. I remained a couple of hours watching this illuminating spectacle, during which time twenty or twenty-five men had already been marched away to prison for being short. One man who had obtained his full quota was seized because the quality was not acceptable to the white agent. The natives claimed that they were obliged to accept remuneration in machetes or salt, that when they demanded cloth or other articles they were given a slip of paper showing they had brought in their full quota, and the following month, if they also delivered their full tax, they were given the article desired. I did not see anyone flogged for being short, although such is said to be a common practice. Two men were brought to me in one of the villages who claimed they had been clubbed by the white assistant at the post for failure to furnish their full tax. One of these men was evidently in bad condition and unable to stand upright. I had no means for proving these statements beyond the testimony of a number of other natives of the village, and they were denied by the chef de poste. It was reported to me by the natives that 11 men who had been imprisoned at the post for failure to bring in their tax had, in March last, escaped, been followed into the forest by the armed workmen, and clubbed to death. This matter had been reported by the missionaries at Upoto, and an investigation had been made by the procureur d'État (state's attorney) a few days previous to my arrival at N'gali. The chef de poste, in reply to my questions regarding the matter, said that he had been at Nouvelle Anvers at the time, but had heard of only seven men, four of whom had died a natural death. I saw the procureur at Dobo a couple of weeks later and asked him what the result of his investigation had been. His reply was that he had ascertained that three escaping prisoners had been caught and clubbed and "afterwards died." I was not particularly interested in the actual number—in fact, this was not important, the main point being to know if similar acts were possible. After the statement of the procureur there can be no question as to the fact that they are. The prison house on the post contained two rooms, each about 12 feet square, with dirt floors and no windows, and two small, dark closets, 7 by 3, the latter for women who are employed on the post and who, as I was informed by the agent, had been guilty of insubordination, they being under military discipline as well as the armed workmen. At the rate the men were being sent to forced labor when I left, the two rooms would have had a hundred occupants by night. Without light or ventilation of any sort, their situation may be imagined.

A five and one-half hours' walk from N'gali brought us to Mopolanga, where the State has a travelers' rest house. There are a number of native villages here, and we listened to the same complaints as regards the rubber tax as at N'gali. There was no white agent here, the natives carrying the monthly contributions to Bayenge, a state post farther on, where we arrived late the following afternoon, having been delayed by a severe storm. The State has had some difficulty with the natives here, and the post is surrounded by a high stockade. Mr. Dodds informed me, however, that matters had improved since his visit to the post in May last. About 700 men are on the tax rolls as rubber gatherers, and the agent informed me that it was rare they did not bring in their full quota. If not, imprisonment and forced labor was the penalty. The tax is the same as at N'gali, 3 kilograms per month. The natives are remunerated here, as a rule, in "mitakos," viz, small brass rods about 8 or 9 inches long, and with a nominal valuation here of ten to the franc (10 centimes each). The gauge and length, as well as the value, of these rods varies in different parts of the Kongo, and I found, in buying wood for the steamer above Coquilhatville, that the rods I had brought from Ikoko had no exchange value, although below they were accepted at twenty to the franc. The agent at Bayenge has a small "magasin," with a variety of merchandise similar to that at N'gali, and accepts from the natives these rods in payment for such articles as they desire, at valuations, however, fixed by the State and in most cases excessive. About 50 native workmen, 25 of whom were armed with guns, are employed on the post and in clearing the forest near by for planting rubber trees. A number of women, wives of the workmen, are also employed. They receive no remunera-



tion outside the daily rations of kwanga. The whole force is under military discipline, and is fed on rations of kwanga supplied by the women of the villages in the surrounding country as a tax. The workmen are paid from 3 to 5 francs per month, with rations.

We were delayed several days at Bayenge. Our intention was to proceed to the state post at Yambata, eight or nine hours' march distant, but we were informed by the chef de poste that the natives in that region, a numerous people belonging to the Budja tribe, were on the eve of revolt, and that it would be unsafe for us to go unless accompanied by an armed escort. A state officer in this region never ventures outside his post unless accompanied by armed men. This was not, however, a part of our programme, as we wished to be free to travel as we pleased, and, in particular, to prove that it was possible for a white man who was not connected with the State to travel without such escort. We thereupon decided to go on unaccompanied, but some of our carriers, becoming frightened, deserted, and the rest refused to go. A courier arriving from Yambata with the report that the road was far from safe and offering to send a detachment of soldiers to meet us halfway, finally decided us to accept, and we left Bayenge with an armed escort, were met by a company of 30 soldiers commanded by a white officer, and reached the post at Yambata without incident.

The region around the post at Yambata is rather densely populated and is inhabited by a race of natives known as Budjas. These people have never been brought entirely under subjection by the State, and I was informed by one of the officials at the post that indications pointed to a revolt at no distant day. A force of about 80 soldiers belonging to the regular army is stationed at the post. The tax rolls showed 1,500 men subject to the impost in rubber, which is 3 kilograms per month per man. Remuneration is 43 centimes per kilogram, paid in machetes. The women of the villages are taxed in kwanga to supply the personnel at the post. The day after our arrival I expressed a wish to visit some of the villages, and we started out, accompanied by the chef de secteur and a small force of soldiers. Arriving at the first village we found that the entire population—men, women, and children—had taken to the bush. Not a living soul was to be found. Upon looking into their huts I found the embers of their fires still aglow, showing that they had been gone but a few minutes, evidently fleeing at the news of our approach. The incident was an eloquent commentary upon the result of long years of cruel oppression forced upon the people by a government founded ostensibly for humanitarian and civilizing purposes. We passed on, and the same thing occurred in several of the villages until finally we met a native who had just emerged from the forest and was evidently unaware of our coming. He was sent in advance by the chef de secteur to tell the people that we had only come to "see." Their fears thus allayed, we found in the villages farther on that the people had remained. Here, as at all the villages I had visited since leaving Upoto, there is no visible sign that the people possess anything at all beyond their squalid and filthy hovels and a small patch of ground near by planted with manioc for the common use and to furnish kwanga for the post—occasionally a few fowls or goats. The women are entirely naked and the men wear simply a loin cloth, made usually of the thin bark of some tree and rendered pliable by pounding.

At Yambata the opportunity for which I had been seeking—namely, to prove by a practical test the assertions of the natives as to the time necessary to gather 3 kilograms of rubber—presented itself. It was claimed by all the state agents whom I had questioned upon the subject that the tax was not excessive, it being easily possible to gather the amount of the impost within the forty hours monthly prescribed by the law as the maximum of time the native must labor to fulfill his obligations to the State. It was contended that the native idled his time away in the forest in the search of game; that, in substance, he did not apply himself to his task. The chef de secteur at Yambata was apparently so certain of this that I requested permission to take a number of natives into the forest, set them at work gathering rubber for a given time, and thus prove to my own satisfaction whether their complaints were or were not reasonable and just. The chef de secteur willingly consented, apparently confident, from the State's standpoint, of the successful result. Accordingly five natives were chosen from one of the villages and placed in charge of one of the state capitas. It was arranged that these five men should work for four hours each, or a total of twenty hours' work, in which time, to correspond to the tax imposed and the maximum of forty hours, they were supposed to produce  $1\frac{1}{2}$  kilograms (1,500 grams) of rubber. The place selected for carrying

out this experiment was at one hour's march through the forest from the post, and was chosen by the chef de secteur as being especially rich in rubber vines. The men also were of his own choosing. I had nothing to do with this part of it. Arriving on the spot two of the men were put at work under the surveillance of Mr. Memminger and Mr. Dodds, the other three under the chef de secteur and myself. All the men had been promised an adequate remuneration and exemption from their taxes for the following month by the chef de secteur as an incentive, and certainly not a slight one, to do their best. I can testify to the fact that these men did not lose a minute from the time we commenced work until the expiration of the four hours. The vines were numerous and but little time was taken up in the search for another when one had been exhausted. The rubber was delivered to me and carefully weighed upon my return to the post, with the following result:

|   | Grams. |
|---|--------|
| Total weight -----                      | 650    |
| 2 men gathered each 200 grams, or ----- | 400    |
| The other 3 -----                       | 250    |

An analysis of the result works out as follows:

#### COLLECTIVELY.

|  | Grams. |
|--|--------|
| 20 hours' labor should have produced ----- | 1,500  |
| 20 hours' labor actually produced -----    | 650    |

Or 43 per cent of the tax imposed. To gather the quantity required, these men would have been obliged to work an average of ninety-three hours each per month, or eleven days five hours at eight hours per day, one hundred and forty days each year.

#### INDIVIDUALITY.

|  | Grams. |
|--|--------|
| 4 hours' labor should have produced -----        | 300    |
| 2 men actually produced in this time, each ----- | 200    |

Or 66 $\frac{2}{3}$  per cent of the tax imposed. To gather the quantity required, these men would be obliged to work an average of sixty hours each per month, or seven and one-half days, ninety days each year.

#### AGAIN.

|   | Grams.           |
|---|------------------|
| 4 hours' labor should have produced -----                     | 300              |
| 3 men actually produced in this time an average of only ----- | 83 $\frac{1}{3}$ |

Or about 28 per cent of tax. To gather the quantity required, these men would be obliged to work an average of one hundred and forty-four hours each month, or eighteen days, two hundred and sixteen days each year.

In considering the above, it must further be borne in mind that the time necessarily occupied in reaching the locality and returning is not calculated. This would, of course, relatively reduce the amount gathered within the given time and increase the average time necessary to produce the quota demanded by the state. It must also be remembered that the element of chance enters largely into the question. The two men who secured 200 grams each were fortunate in finding large vines immediately after entering the forest; the other three were not, and although they worked fully as hard only succeeded in securing 83 $\frac{1}{3}$  grams each. If, to be perfectly fair, we accept the average time employed by the five men as a basis and add thereto eight days each month for the time necessary to reach the place and return (eight days is not excessive as an average of the time thus employed), we find that these men must labor nineteen days and five hours each month, or practically two hundred and thirty-six days each year. During the month, if they produce 3 kilograms of rubber it is worth, according to the latest market value at Antwerp, 12.50 francs per kilogram, or 37.50 francs. They receive for this a machete, upon which the state places a valuation of 1.10 francs, and a small handful of salt. I purchased at Leopoldville from an English trader two of the same machetes for 50 centimes each. Is it to be wondered at, therefore, that these people possess nothing; that they stand either in abject fear of the state, which forces upon them these

burdens and gives them nothing in return, or that they sometimes rise in open rebellion against a condition of things from which they see no hope of release? Nor are the conditions in the region through which I passed exceptional. It is, as I have already stated, said to be unusually rich in rubber. I learn upon the authority of my colleague, the English vice-consul at Leopoldville, who has just returned from a tour of investigation in the Lake Leopold district, that the natives in that section, a mild and submissive people, travel 150 miles from their villages to find the rubber; that the supply is being rapidly exhausted, and it is only with increasing difficulty that they can supply their monthly contribution, which is fixed at 1,200 grams. His report was confirmed by identical statements by a missionary at Bolobo, who has also just been through the same region and who I saw on my return down river.

Of atrocities or mutilations I did not see any, nor did I expect to. In this respect, undoubtedly, some improvement has taken place. The exposure of the evils of the sentry system, in which armed native sentries were placed in the villages to force the people to bring in their impositions at the point of a gun, has compelled the State to abandon it. It is replaced by the so-called "messenger," or capita, usually a trustworthy native who acts as intermediary between the white officer at the post and the chief of the village. He exercises a general supervision over the rubber gatherers in the village, sees that they leave for the forest on a certain day each month to collect their impost, and reports to his employer any disaffection or other matters of importance occurring. He delivers delinquent taxpayers to the white man at the post, and I saw at Yambata two natives who had failed to appear with their rubber on delivery day brought in bound together by the neck with ropes. The destitute condition of the natives and the absence of all signs of improvement in the country through which I had passed is but too apparent. The roads are usually but native paths cut through the forest; the bridges, where there were any, made of rough sticks and usually in a rotten and decaying condition. For hours each day we were on the march we waded through water and mud above our knees. It costs money to build roads. The time of the native is more valuable as a rubber collector than as a builder of highways. Beyond the two "colonies scolaires" (educational colonies), one at Boma and the other at Nouvelle Anvers, the inmates of which are children brought under the tutelage of the State through the operations of the law regarding orphans and abandoned children, and who, after an elementary instruction, are drafted into the army as subordinate officers or assigned as clerks in the administrative bureaus, the religious and educational development of the native is left entirely in the hands of the missionaries. One looks in vain for a school or other industrial or agricultural institution where the rising generation might receive such instruction as would tend to raise it from its present savage state. The State points with pride to the fact that it has suppressed the former Arab slave trade, and yet I am informed that the native races formerly under Arab influence are the most advanced in civilization of any throughout the entire Kongo territory. Every state officer with whom I talked admitted that cannibalism had not been entirely wiped out, although it is undoubtedly true that the State has taken energetic measures to suppress it and punishes severely those found guilty of the practice. The State claims that the native will not work voluntarily; that he must be forced to do so. The assertion is only partially true. Admitting that the problem is a somewhat difficult one—and it has been made more so, I believe, by the treatment given the native—it is at the same time legitimate to ask if he can be expected to give the greater part of his time to the service of the State, from which he receives no real benefit. The phrase in the law already alluded to, referring to the remuneration rendered "pour faire naître chez les indigènes le goût du travail," is but the baldest hypocrisy. I have been assured over and over again by people with long experience in the Kongo that if the native is properly paid, if he sees something he wants, he will work willingly and well to acquire it. My colleague at Leopoldville has told me that on his recent trip he was literally besieged by applications for employment as carriers by the natives in the region through which he passed. They came from long distances seeking work because the reports had gone abroad of his presence and that he paid well for services rendered.

If we admit that a tax in labor is justifiable, the law restricting such to forty hours per month might appear reasonable, but in practice it is not adhered to, nor, in my opinion, is it possible in most instances to do so. It is obviously ridiculous to assume that a kilogram of fish represents either ten or one hundred



hours' labor. It may be less than one or more than the other, depending upon conditions. The same holds true as regards the rubber imposition, where, as has been shown, chance enters so largely into the question. Furthermore, the terms of the law regarding taxation providing a monetary basis will not bear careful analysis without revealing their fallacy, because the native, as a rule, has no money, and the price of the products assessed to represent such basis is arbitrarily fixed by the State, and at a figure greatly inferior to their real value. Under such a system, therefore, it makes no difference whether the tax is placed at 1 or 100 francs, it being possible for the State to fix the value of the product at 1 centime or 1 franc per kilogram and compel the native to furnish 100 kilograms in either case.

The above conclusions, which I have reached as the result of my observations, are, I believe, logical and just. That the obligations of the Kongo Government toward the natives, as provided for in the Berlin act, "to care for the improvement of the conditions of their moral and material well-being" are being openly violated there is not the shadow of a doubt. The present conditions are those existing under the operations of the so-called reform decrees, promulgated as a result of the report of the King's commission of inquiry of 1904. If they are an improvement over former conditions it is natural to ask what those former conditions must have been. The remark of a state official, made in my presence, "My business is rubber," tersely expresses the attitude of the entire administration toward the native. The latter, so long as the present system is allowed to continue, can expect nothing from an administration whose desire for gain overshadows everything else and causes it to forget the obligations it has assumed toward him. Briefly, the tendency of this system is to brutalize rather than civilize—to force the native into such a condition of poverty and degradation that his future is a hopeless one, and to keep him there.

I find it impossible to reconcile the clauses in the Berlin act, by which the granting of a monopoly or favor of any kind in matters of trade was prohibited and free trade proclaimed in the Kongo basin, with the commercial conditions existing under the present régime. In excluding the native from any proprietary right in the only commodities he possessed which would serve as a trade medium—that is, the products of the soil—and in claiming for itself and granting to a few concessionary companies in which it holds an interest exclusive ownership of these products, the administration, in its commercial capacity, has effectively shut the door to free trade and created a vast monopoly in all articles the freedom of buying and selling, which alone could form a proper basis for legitimate trade transactions between the native and independent purchasers. Competition, by which alone can a healthy condition of trade be maintained, has been entirely eliminated. The Government is but one tremendous commercial organization; its administrative machinery is worked to bar out all outside trade and to absolutely control for its own benefit and the concessionary companies the natural resources of the country. Its operations as a commercial company are subject to no parliamentary control; its profits are unknown to anyone except the central administration at Brussels. Business organizations are not often guided by philanthropic motives in the conduct of their affairs. The policy of the administration, therefore, is to extract the riches of the country at the lowest possible cost, and with the result that the profits accruing therefrom go to swell the dividends of the Europeans interested, and neither the country nor its inhabitants receive any corresponding benefit. The conditions in the regions which have come under my observation all go to prove this.

I left Yambata on October 2, arrived at Dobo, on the river, the following day, reached Upoto on the 5th, and left there for Leo on the 8th, arriving the 17th. Mr. Memminger returned to Boma the following day. It was my intention to prolong my journey for another month or six weeks by making a trip alone into the Kasai district, but I found I could not leave Leo for another two weeks, and would require a much longer time to properly investigate conditions in that region. Leaving Leo on the 24th, I spent four days at the A. B. M. U. mission at Nsona Mbata, between Leo and Thysville, where I had been requested to investigate some matters concerning the treatment of orphans and abandoned children. The subject will be reported on at some later date, when I have had more opportunity to study the question. I arrived at Boma the evening of October 30.

JAS. A. SMITH,  
Consul-General.

BOMA, November 20, 1907.

No. 22.

*The Consul-General at Boma to the Secretary of State.*AMERICAN CONSULATE-GENERAL,  
*Boma, November 23, 1907.*

SIR: I have the honor to inclose herewith a report by Vice-Consul-General Memminger in reference to conditions in the Kongo. The report is forwarded without comment other than to say that the opinions expressed therein are in conformity with my own, and based upon personal observation during our recent trip to the upper Kongo.

I have, etc.,

JAS. A. SMITH,  
*Consul-General.*

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[Inclosure.]

Having been authorized to accompany you on a trip to the upper Kongo, and thus having had the opportunity to observe conditions in a large part of the Kongo Free State, I have the honor to say that I concur in the conclusions reached by you in your report to the Department of State on "Conditions in the Kongo Free State."

My observations convinced me that the system of taxation in labor in the Kongo Free State is not imposed in an equitable manner, and through the exercise of compulsion results in grave abuses. I am convinced, moreover, from the conditions in the part of the country which we visited, that the natives of the Kongo are not deriving from the Government which they are forced to support any measure of the benefits to which they are entitled. In return for the imposts of labor and products levied upon them they receive, so far as I have been able to observe, in no sense a commensurate remuneration, nor does the payment of this tax gain for them compensating advantages, or serve to better the economic condition of the people. One is forced to conclude that the Government is not administered in the interest of the native population. The system in effect rather operates to their oppression.

In some localities the State has constructed public works, and throughout the country has improved communications, thereby rendering the country more habitable for white men, of whom by far the largest percentage are state officers. But in the benefits of these improvements, necessary for carrying on the state's business as a commercial organization, the natives do not share to an appreciable extent. Where state posts are established, in fact, an additional burden is imposed upon them. They are compelled to supply the state agents and employees with prestations of food. Invariably, near the state posts, I found the neighboring villages to be in a destitute condition. The material well-being of the native population seemed in no wise improved by the proximity of the people to the government stations. At Leopoldville, the principal commercial town of the upper Kongo, I saw in the surrounding country only a few small villages, the inhabitants of which seemed to be in a desperately poor condition. I was informed that this region previous to state occupancy was thickly populated by a people not unfriendly to the white man and who, according to the native standard, were in a highly prosperous condition.

I saw no evidence of effort on the part of the State to assist the population in the improvement of native industries by practical education, or by the application of improved methods and implements—this in spite of the fact that by development of the native along these lines it is admitted his capacity for working the resources of the country from which the Government derives its revenue would be increased; at the same time that there would be no relative increase of the amount of labor exacted as a tax. Instead, it would diminish the burden.

In general, the condition of the people in the upper Kongo seemed unhappy and led to the conclusion that the system of government under which the natives



must live does not promote their welfare. In its operation the system seems to be one in which considerations of humanity and benevolence are least important.

LUCIEN MEMMINGER,  
Vice-Consul-General.

BOMA, November 23, 1907.

No. 23.

*Ambassador Reid to the Secretary of State.*

[Telegram.]

No. 216.]

AMERICAN EMBASSY,  
London, December 5, 1907.

Referring to your confidential instructions concerning the Kongo, of November 4, 1907, and to my statement of a conversation with Sir Edward Grey on the subject November 19, I have to report that Sir Edward Grey to-day showed me a copy of an instruction he is just sending to Sir A. Hardinge, the British minister in Belgium. It repeated the view that a public utterance at the present moment as to the terms on which the annexation of the Kongo State by Belgium would be recognized might prevent a discussion of this question in the Belgian Parliament on its merits. This objection, however, does not, in his opinion, apply to a private representation. It approves the suggestion by Sir A. Hardinge that he and his American colleague, Mr. Wilson, might advantageously give a private hint as to the attitude which our two Governments might in certain contingencies be compelled to adopt, and concludes as follows:

I request, therefore, that you will concert with Mr. Wilson with a view to acting as you suggest on a favorable opportunity. You might point out that great anxiety has been shown in both countries to see the administration of the Kongo State complying with the spirit of the Berlin act and effecting serious and immediate reforms; that the two Governments, notwithstanding the pressure brought to bear upon them at home, have refrained hitherto from taking any steps which might be embarrassing to the Belgian Government in a critical period of transition, but that they attach the greatest possible importance to the question.

I said to Sir Edward Grey that you should be advised at once of this letter, and that, if you approved its policy, you would doubtless instruct Mr. Wilson to inform Sir A. Hardinge and act in concert.

REID.

No. 24.

*The Acting Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, December 6, 1907.

Ambassador Reid telegraphs substance of a conversation he has had with British minister for foreign affairs in which he indicated the disposition of the British Government to make some informal rep-

resentations regarding Kongo affairs and intimated that British minister to Belgium might concert with you on the subject.

You will be instructed later—probably Monday—as to your course, and if in the meantime the British minister should approach you you will advise the department of such suggestions as he may make.

BACON.

No. 25.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, December 7, 1907.

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The British minister informed me on the 4th that his Government, in referring to conversation with our ambassador to Great Britain, instructed him that their present attitude was one of expectancy and that they deemed the time inopportune for any concerted action. The treaty of annexation has just been signed by the respective plenipotentiaries and has passed into legislative discussion, with fair prospects of a satisfactory issue. Will await further instructions before acting.

WILSON.

No. 26.

*Minister Wilson to the Secretary of State.*

No. 261.]

AMERICAN LEGATION,  
Brussels, December 7, 1907.

SIR: I have the honor to report that the treaty signed on November 28 by the representatives of the Government of Belgium and, on the other hand, by the representatives of the Independent State of the Kongo was on December 3 laid before the Belgian House of Representatives, and was immediately referred by it to the special committee of seventeen, with instructions to examine the same in connection with the colonial law which this committee is now framing for submission to Parliament.

I inclose herewith three copies of a pamphlet containing the "Exposé des Motifs" of the ministry, and the treaty with the project of law for its adoption, and the provisional arrangement.

I also inclose an English translation of the three latter documents, and am outlining in what follows the substance of the "Exposé des Motifs."

The minister opens his "Exposé des Motifs" by reference to the previous movements for the annexation of the Kongo to Belgium; gives the history in detail of the various projects for annexation, and the apparently insurmountable difficulties which had prevented a solution of the problem, placed before a democratic State like

Belgium, of exercising a beneficent sovereignty over vast, undeveloped territories and millions of uncivilized people, in a manner which would meet the approval of international and domestic opinion.

The minister then goes on to say that however truthful these views may have been in the past, they are not applicable to the present situation; that Belgium is now fully equal to the task of governing the Kongo in such manner as will redound to the welfare of the native population, the development of the country, the prosperity of Belgium, and the approval of international opinion.

He then recalls and quotes at length from the report of the commission of inquiry appointed by the King in 1905 to investigate the conditions in the Kongo.

This report has been made the subject of former dispatches from this legation, and is doubtless in the possession of the department.

The minister states that the Government of the Kongo acted promptly upon the recommendations of the commission of inquiry, and gives specific instances of the reforms which had been carried out.

Attention is then called to the very interesting and remarkable report of the special representatives of Belgium who were designated to study all questions relating to the transfer of the Kongo sovereignty to Belgium.

This report deals with the economic, financial, and international situation, and also with the question of Crown Domain, or, as it is called, Foundations.

In the study made of the economic situation an examination is made of its real and personal assets. It finds that 170,000,000 francs (\$34,000,000) have been invested in the country, and that the general trade in 1906 amounted to 106,483,058 francs (\$21,290,000), of which 67,781,358 francs (\$13,500,000) were exports and 29,700,700 francs (\$5,900,000) were imports. Special trade amounted to 79,755,000 francs (\$15,900,000), of which 58,278,000 francs (\$11,600,000) were exports and 21,477,000 francs (\$4,300,000) were imports.

The report then gives a summary of the organization and working of railway companies and of the proprietary corporations (Compagnie Bruxelloise pour le Commerce du Haut Kongo, Compagnie du Katanga, Société d'Agriculture et de Plantations au Congo, Compagnie Anversoise de Plantations du Lubefu, and American Congo Company) and the concessionary societies (Compagnie du Kasai, Compagnie du Katanga, Abir, Société Anversoise, Société d'Agriculture et de Plantations, Comptoir Commercial Congolais, Compagnie du Haut Congo, Société Equatoriale Congolaise, American Congo Company, Société Forestière et Minière, Union Minière du Haut Katanga, the Great Lakes Railway, the Railway from the Lower Congo to the Katanga, the Whitely Concession, and the Forkel Concession).

This part of the report is supposed to be a complete exposition of the workings of the economic organization.

Another part of the report deals with the international questions of boundaries and neutrality and the modifications of the fiscal system growing out of various treaties.

The assets of the Kongo State are found to be 120,000,000 francs (\$24,000,000) and its liabilities 114,000,000 francs (\$22,800,000).

The annual revenue resulting from proprietary concessions, bonds, stocks, etc., exceeds the liabilities, interest, and redemption charges by about 500,000 francs (\$100,000).

The report sets forth that the Crown Domain, in common with the other territories subject to the sovereignty of the Independent State and to its laws, should, after annexation, be made subject to the sovereignty of Belgium and its laws.

The arrangements made in December, 1906, between the Kongo State and the Crown Domain will insure to Belgium—in the event of annexation—property valued at 29,000,000 francs (\$5,800,000), which, however, will carry with it the obligation of providing for the erection of hospitals, schools, and churches, and carrying on hygienic and philanthropic works.

The treaty is accompanied by numerous annexes containing an inventory of the assets, liabilities, and engagements of the Kongo State. These have not yet been printed, as time is required for their examination and verification. They will eventually be transmitted to the department.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure.]

*Translation of treaty.*

The sovereign king of the Kongo having made known, by his letter of August 5, 1889, to the minister of finance of Belgium that if it were satisfactory to Belgium to conclude before the time fixed more close ties with his possessions in the Kongo, His Majesty would not hesitate to place them at its disposal; and the two high contracting parties being found in agreement,

The following treaty has been concluded between the State of Belgium, represented by Mr. Julian Davignon, minister for foreign affairs; Mr. Jules de Trooz, minister of interior; Mr. Jules Renkin, minister of justice; Mr. Julien Liebaert, minister of finance; Baron Descamps, minister of sciences and art; Mr. Armand Hubert, minister of industry and labor; Mr. Auguste Delbeke, minister of public works; Mr. George Helleputte, minister of railways, posts, and telegraphs, temporarily charged with the portfolio of agriculture; and Lieutenant-General Hollebaut, minister of war, acting under reserve of legislative approval,

And the Independent State of the Kongo, represented by Chevalier de Cuvelier, secretary-general of the department for foreign affairs; Mr. Hubert Droogmans, secretary-general of the department of finance; and Mr. Charles Liebrechts, secretary-general of the department of interior.

ARTICLE I.

His Majesty King Leopold II, sovereign of the Independent State, hereby cedes to Belgium the sovereignty of the territories composing the Independent Kongo State, together with all the rights and obligations appertaining thereto. The Belgian State hereby accepts this cession, takes over and accepts the obligations of the Independent State as set forth in Schedule A, and undertakes to respect the existing interests in the Kongo, together with the legally acquired rights of third parties, native and nonnative.

ARTICLE II.

The cession comprises all real and personal estate of the Independent Kongo State, and particularly:

1. The properties and all the lands belonging to its public and private domain, with reservation of the dispositions and obligations indicated in Schedule A of the present convention.



2. All the shares and bonds and founder or interest shares mentioned in Schedule B.

3. All the buildings, constructions, installations, plantations, and appropriations whatsoever, established or acquired in Africa and in Belgium by the Government of the Independent Kongo State, personal goods of all kinds, and the cattle it possesses there, together with its pontoons and boats with their fittings and its military material, as described in Schedule B, Sections II and IV.

4. The forests, rubber, and other African products which are the property of the Independent Kongo State, as well as the provisions and other merchandise belonging to it, as described in Schedule B (I and III).

#### ARTICLE III.

On the other hand, the cession includes all the liabilities and all the financial engagements of the Independent State, as set out in Schedule C.

#### ARTICLE IV.

The date upon which Belgium will begin to exercise her right of sovereignty over the territories mentioned in the first article will be determined by royal decree. The revenue obtained and the expenses incurred by the Independent State from January 1, 1908, will be taken over by Belgium.

In witness whereof the plenipotentiaries have signed the present agreement and have affixed thereto their seals.

Done in duplicate at Brussels this 28th day of November, 1907.

[Signed by all the ministers of Belgium and the secretaries-general of the Independent State of the Kongo.]

No. 27.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, December 16, 1907.

The telegram from Ambassador Reid on which cabled instructions were based was as follows:

[Here follows text of telegram from London, December 5, 1907.]

Our attitude and sentiment rest on the broad general purpose to elevate and benefit the native Africans as declared in the Berlin act, to which we are, however, not a party, and emphatically reaffirmed in the Brussels act of 1890, applicable to all dominion and control of civilized nations in Central Africa, to which we are a party. Our voice and sympathy are in favor of the full accomplishment of those declared purposes, and, while we are not directly interested in the administrative and financial details of the government of any one of the several districts of Central Africa embraced in the compact of 1890, we are free, and indeed morally constrained, to express our trust and hope that every successive step taken by the active signatories will inure to the well-being of the native races and execute the transcendent obligations of the Brussels act, in all its humanitarian prescription, especially as to article 2. In these regards the interests of all the signatories are identical. You will impress these considerations on your British colleague and in your discretion to any other of your colleagues who may consult you on the subject.

Root.

No. 28.

*Consul-General Smith to the Assistant Secretary of State.*

No. 13.]

AMERICAN CONSULATE-GENERAL,  
*Boma, January 2, 1908.*

SIR: I beg to inform you that Mr. Armstrong, British vice-consul at Leopoldville, has courteously submitted to me his report to the British foreign office on the result of his observations during a recent trip into the same region visited by Mr. Murdoch. Mr. Armstrong's report is a long one, dealing almost entirely, and in detail, with the conditions in the numerous villages through which he passed, and is a striking confirmation of the facts and conclusions reached by Mr. Murdoch. He finds a discrepancy in the statement of Mr. Murdoch as to the amount of rubber assessed and his own information on the subject, but referring to this says:

This is a discrepancy of small moment, since the importance of the tax, whether it is of 1 kilogram or 10, rests upon the time taken to produce that amount. I accept absolutely the statements of Mr. Murdoch and the natives as to the distances the natives have to cover to obtain the amount of their tax.

Again, he says:

There is not the slightest doubt in my mind that the average month's work of every native is not less than twenty days. The improvement that has been made by the application of the reform decrees of June, 1906, is solely in the withdrawal of the armed sentries—a reform which the serious decimation of the population by the sentries demanded.

I learn, upon the authority of the British consul—who has but recently arrived here—that, in the opinion of his Government, the public exposure and agitation respecting atrocities has so far succeeded in its purpose as to put an effectual stop to them for the time, and that his Government is now seeking information tending to prove that a condition of slavery exists in the Kongo. The evidence submitted by Mr. Armstrong and Mr. Murdoch and my own observations, all the result of personal contact with the natives and a close study of the conditions under which they live, point unmistakably to the conclusion that no other word can be used to adequately describe the present state of affairs in a large section of the upper Kongo.

I have, etc.,

JAS. A. SMITH, *Consul-General.*

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No. 29.

*The Consul General at Boma to the Assistant Secretary of State.*

No. 14.]

AMERICAN CONSULATE-GENERAL,  
*Boma, January 3, 1908.*

SIR: I have the honor to send you herewith inclosed a copy in duplicate of a report submitted to the British Government by Mr. Armstrong, British vice-consul at Leopoldville, regarding the tax in "kwanga" in the Stanley Pool district. This tax was described in my report to you of November 20 last, but as Mr. Armstrong goes into the question somewhat more in detail, I consider it important to submit his report for your examination and fuller information.

In the main I fully agree with Mr. Armstrong's conclusions, and as to the facts I believe they are irrefutable. I can not, however, concur in his opinion that the women's tax is but 16 francs a year. Actually, the difference between the present market value of kwanga in this district and the remuneration granted by the State amounts to 16 francs per year, but as the State forces her to bring in 400 kilograms at 6 centimes per kilogram, and by so doing takes up practically her entire time to produce and deliver this amount, it leaves her no opportunity to engage in a more remunerative occupation. If she were at liberty to do so she might, by the cultivation of vegetable gardens or other employment, earn during the year much more than the 16 francs' difference between the remuneration and the market value of kwanga. It follows, therefore, that 16 francs can not fairly be said to represent the amount of her tax. As a matter of fact, in my opinion, neither the 24 francs nor the 16 francs can be logically called her tax. We can only say that 24 francs represent the legal paper basis; the rest is arbitrary, and her tax is simply incessant labor, or what she would be able to earn if her time were her own, less the 24 francs paid her in merchandise. The State arbitrarily reduces the earning power of the woman to 24 francs yearly, and pays this amount to her, calling the difference between this and the market value her tax. The real basis of the tax is compulsory labor at making kwanga. The remedy is obvious—a tax in money, which would leave the woman free to earn that money where and how she pleases.

I have, etc.,

JAS. A. SMITH, *Consul-General.*

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[Inclosure.]

[Printed in British report "Africa No. 1, 1908", cd. 3880.]

*Copy of report of Mr. Armstrong, British vice-consul at Leopoldville, Kongo Free State, sent his Government December 18, 1907, on details of "kwanga" tax in the Stanley Pool district.*

In continuation of my report forwarded under cover of my dispatch No. 1, Africa, of August 2, 1907, I have now the honor to transmit to you details of the food tax in the district surrounding Stanley Pool.

I make no comment upon the tax in money which has been allowed to a certain proportion of the male and female inhabitants in this district, as being quite new I have had little or no opportunity of finding out exactly what it implies, but if it is conscientiously applied it should prove of great benefit to the people.

The amount of the tax in money is 6 francs per head, and the acceptance of money in lieu of produce rests exclusively with the commissaire de district. I am informed that payments of taxes in money have been refused in many towns in the Stanley Pool district.

The taxation of women in money (and in kangwa) creates a precedent which does not exist in any West African colony, as far as I am aware; and it necessarily follows that women who can not supply chikwangu are permitted to pay their tax in money where they are living with their countrymen, outside their towns, who are in the employment of the missions or the traders, etc., which means that married men are called upon to supply a double tax.

The tax in chikwangu falls exceedingly hard upon the female population of this district. It is the women alone who supply this tax, which is imposed as follows:

The tax when levied in chikwangu is based upon a value of 24 francs per annum. The market value at Leopoldville is 10 centimes per kilogram. The



State remunerates the native at the rate of 6 centimes per kilogram, and the difference, viz, 4 centimes, is credited to him for the payment of his tax.

It is impossible to fix this tax with regard to the law of forty hours' labor per month; the time which each native occupies in making gardens, clearing forest, cultivating the plants, transporting the root from garden to village, soaking in water previously to eventually pounding and boiling to render it the taxable produce, is impossible of calculation.

The amount required of each woman is therefore 400 kilograms per annum, which is calculated by the State as follows:

Four hundred kilograms at 10 centimes market value, 40 francs.

Four hundred kilograms at 6 centimes state valuation, 24 francs.

The difference is therefore the amount of her tax, viz, 16 francs.

The men, on the other hand, are taxed in labor, which is not supposed to exceed forty hours per month. Their duties consist in carrying the tax in chikwangue to the State, an obligation which they do not always carry out, as one frequently sees both women and children engaged in this work.

For the convenience and equalization of portorage the district supplying chikwangue is divided into zones.

In the first zone the villages range from an hour's to a day's journey from the receiving station. The natives supply their tax every four days.

In the second zone, from one to two days' distance, in which case the tax is supplied every eight days. The third zone has now been abolished, and the people take their tax to a post on the railway every four days, and are allowed 8 centimes per kilogram instead of 6 centimes, as in the first and second zones.

To what extent they are subject to other corvées depends entirely upon the demands of the state authorities in the district. The villages are naturally dependent to a certain extent upon the men to carry the food tax to the state posts; but the law recognizes the right of the commissaire de district to call upon the men for purposes of portorage in the district. I am not aware that such portorage is demanded to any large extent, and indeed the needs of the chikwangue carrying almost precludes the State from levying anything but a very small percentage of the male population for portorage, as the food tax is required to be carried to the state posts every four or eight days, according to the distance of the towns from the state receiving posts throughout the year.

The natives complain very bitterly of the hardship of this tax. I am informed by the natives themselves, the missionaries, and from intelligent natives who have received good educations, and whose testimony I should accept without reserve, that the women are constantly at work to supply this tax. To such an extent is this true that it is impossible for anyone of them to leave their towns at any time for fear of the consequences of a shortage in the supply, for which they are liable to punishment.

I have received several complaints from the natives that no reduction was made to them for reasons of sickness in their towns, and I am told by the authorities to whom I mentioned this complaint that the natives in many cases address such complaints only to the receivers of taxes, who are not authorized to grant reductions, and who it would appear take little or no interest in the natives, instead of to the commissaire de district or the judicial authorities. I was further informed that the competent authorities had received no complaints from the natives since the application of the June, 1906, decrees, and this statement would appear to confirm the opinion that the natives made their representations through the wrong channels.

In summarizing the foregoing report the most important points are:

1. The severity of the tax upon the women, which, I am told on good authority, has seriously reduced the birth rate in the towns.
2. The constant work involved by making chikwangue almost every day and which is required to be delivered every four or eight days.
3. The frequency with which the taxes become due curtails the freedom of the native to such an extent as to preclude him from doing anything which would be of material benefit to himself or family.

The reason for making the chikwangue tax payable in such short intervals is that it spoils in a few days, and unless quite fresh it is almost uneatable.

With regard to the portorage of the food, which devolves upon the men, I would point out that it does not, as far as I am able to find out, require all the men in the town to carry the tax to the post on each market day, and the reason that women and children are often employed in carrying out this corvée is that the men are to a large extent engaged in the making of new



plantations, hunting for game, which forms a large portion of their customary food, etc. This would account for the misstatements so often made that the men do no work and leave it all to the women. Native customs define clearly the duties of men and women and do not differ widely in this respect with European customs, and although the duties of the former are perhaps more varied and thus less burdensome, the degree of those duties is none the less important to the welfare of the town.

The men's duties as applied to towns and districts paying taxes in chikwangue are perhaps at the present time of very small importance, but this is due to the fact that they have no business, having practically nothing left to them to trade with. A very important item in the native man's duty is the construction and repairing of their houses, which, judging from the condition of the houses in every part of the State that I have visited—with the exception of the state camps, which are admirably built and none more excellent from every point of view than those at Leopoldville—would go to prove that the extent of their duties to the State was exceedingly heavy.

Since my arrival in Leopoldville in April last I have heard of no cases of imprisonment or restraint of any kind being imposed upon the natives for shortage in their taxes. Exceptional leniency in this respect would seem to prevail; nor do I believe that such punishments have been inflicted, and this consideration toward the natives would be proved by the fact that I knew of a village close to Leopoldville that had failed to bring in its tax for several months.

In my report on the reform decrees forwarded under cover of No. 1, Africa, of August 2, 1907, I anticipated the trouble that might arise from the law permitting the competent authorities to accept or refuse payments of taxes in money.

The natives of the Stanley Pool district inhabiting the banks of the Kongo River above Leopoldville and Kinchasa, extending over a distance of some 150 miles, have been refused the alternative of paying their tax in money. Similar conditions prevail in other parts of this district below Leopoldville. The payment of the tax in money is the only means the native has of purchasing his freedom and procuring for himself the value of the produce he now gives to the State.

If there is no money in some of these towns it is obviously the fault of the State for the system they maintain. The wealth of this district is foodstuff, and its appropriation by the State has made it impossible for the native to obtain money.

In the adjoining French colony the price of chikwangue is higher than in the Kongo Free State. This is due to the fact that in the French colony the price of foodstuff is governed by the supply and demand of a free market.

I was informed by the acting commissaire-general of the French Kongo that the natives of the district of Brazzaville (which corresponds to the Stanley Pool district of the Kongo Free State) and throughout the French Kongo, with very rare exceptions, pay their taxes in money readily, and in the case of the Brazzaville district they pay more per head than is actually assessed. His excellency further informed me that it is absolutely forbidden by law—which is strenuously observed by the officials—to use any force or restraint whatever in the collection of taxes without the special permission of the French colonial office.

A market has now been built at Leopoldville, and the natives who are free to dispose of their foodstuff are gradually being brought to avail themselves of the benefits it affords.

It is obvious that the reform decrees as applied to this district are quite inadequate.

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No. 30.

*The Secretary of State to Minister Wilson.*

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,  
Washington, January 9, 1908.

What has recently occurred regarding Kongo cession? Upon recent reports of continued oppression of natives of the Kongo, this

Government is much indisposed to delay urgent representations in the sense of my letter to Ambassador Reid dated November 4, transmitted to you November 6. Cable report promptly.

Root.

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No. 31.

*The Secretary of State to Chargé Carter.*

DEPARTMENT OF STATE,  
*Washington, January 10, 1908.*

MY DEAR MR. CARTER: I inclose a copy of a report received from our new consul-general at Boma<sup>a</sup> which indicates the continued oppression of the natives of the Kongo and deepens the conviction which I expressed to Mr. Reid in my letter of November 4, that both the spirit and, in some important respects, the letter of the Brussels convention of 1890, to which the United States is a party, are being violated.

It would seem as if the International Association of the Kongo, to which sovereignty over a vast region was accorded by the civilized powers for the express purpose of accomplishing a great humanitarian work for the protection and elevation of the natives, had perverted its power to the establishment of a money-making enterprise at the expense of the natives.

I also inclose a copy of a dispatch dated December 23, 1907,<sup>b</sup> from Mr. Wilson, our minister at Brussels, by which it appears that the British minister, Sir Arthur H. Hardinge, and himself were of the opinion that such representations as they were authorized to unite in making to the Government of Belgium would be inexpedient and might interfere with the taking over of the Kongo territory by Belgium under conditions which would lead to a reform of existing abuses. I can understand that this opinion may have had good foundation, but I do not feel willing to continue indefinitely the policy of silence. I do not think that we ought to stand silently by and permit a transfer of sovereignty over the Kongo to Belgium unless it be upon terms which will plainly make it possible for the Government of Belgium to redress the abuses. If there is any danger of that, and there would seem to be, I wish to give notice before it is done that the United States considers that the treaty to which it is a party is being violated, and to insist that the violation shall cease, so that Belgium will take the title with full notice.

Representations upon this subject can be made with even greater force by Great Britain than by us, because Great Britain joined with the King of the Belgians in inviting the powers to the Brussels conference, and has a special right to object to the \* disregard of the whole purpose of that conference, and because Great Britain is a party to the Berlin convention, the terms of which are even more forcible and explicit than the Brussels convention.

At the risk of repetition, let me restate our position. It is that while we do not wish by any interference to create irritation or a

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<sup>a</sup> Printed ante, p. 30.

<sup>b</sup> Not printed.

prejudice that may prevent the kind of action by the Belgian Parliament necessary to secure for Belgium the power to redress abuses in the Kongo, we do not think that there ought to be undue delay in signifying to the Government of Belgium that we expect treaty obligations to be observed, the oppression of the natives to cease, and that if Belgium takes over the sovereignty of the Kongo she will be expected to take it subject to that moral obligation.

Please talk freely with Sir Edward Grey on the subject, so that if I should determine to cable our minister at Brussels peremptory instructions to make representations to Belgium and should communicate the fact to you by cable, the British Government may understand the spirit and purpose of our action and be in a position to cable Sir Arthur H. Hardinge in view of that understanding. I hope that in such case the British Government will be disposed to make their former instructions to Sir Arthur H. Hardinge peremptory, and that the two Governments may make representations in the same sense and in the same spirit.

Faithfully, yours,

ELIHU ROOT.

No. 32.

*Minister Wilson to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN LEGATION,  
*Brussels, January 10, 1908.*

Your telegram January 9 just received. The death of Prime Minister de Trooz has very much altered the situation relative to the annexation of the Kongo. I am informed that Minister Schollaert, on taking office, insisted on such changes in the treaty of annexation as would lead to the absolute suppression of the so-called Domain of the Crown, which is the source of the greatest complaint, and the free and unrestricted exercise of Belgian sovereignty in every part of the Kongo. The new minister has just taken office this day and all questions of policy are supposed to be in a state of transition.

Immediately on receipt of the department's telegram I submitted to the British minister, Sir Arthur Hardinge, a copy. He emphatically expressed the opinion that any action at the present time of transition would be unfair and ill considered. He stated also that he had as yet no definite instructions to act; that his instructions did not contemplate an urgent representation, but simply a private and informal hint.

As the spirit of the department's prior instructions, as well as the fact that we are not signatory to the Berlin act, would indicate that in concerted action with the British minister my rôle should be one of support and in some sense secondary, I am obliged to ask whether the department now desires me to make an immediate and independent representation based on its instructions to American Ambassador Reid and its telegram of December 16.

WILSON.



No. 33.

*Minister Wilson to the Secretary of State.*

No. 279.]

AMERICAN LEGATION,  
*Brussels, January 15, 1908.*

SIR: I have the honor to report that at the session of the Belgian Chamber of Representatives yesterday the new premier, Mr. Schollaert, made the following declaration of the policy of the Government in regard to Kongo matters:

The sad occurrence which has rendered necessary a modification in the composition of the Cabinet has in no respect modified the programme of the Government.

We refer to the communication made to the Chambers by the late regretted Mr. de Trooz at the moment when he assumed the direction of affairs. Since then an important fact has arisen on which a declaration appears to us to be necessary.

The Government had announced the production of a scheme "for the taking over by Belgium of the African colony." At the same time it intrusted plenipotentiaries with the "duty of preparing, in conjunction with the plenipotentiaries of the Free State, the agreement which should effect the transfer of the Kongo to Belgium and of deciding the means of execution." The instructions given to these plenipotentiaries were to arrange this agreement "on the lines of that of 1895, the text and annexes of which are to be brought into relation with the actual situation."

The plenipotentiaries labored with equal conscientiousness and activity and were soon in a position to present to the Government a complete report on the actual situation of our future colony. A treaty of annexation was then concluded, under date of November 28, 1907, between Belgium, represented by all the members of the Government, and the Kongo Free State, represented by its secretaries-general. And at the sitting of December 3 you were put in possession of the bill approving the treaty of annexation.

In conformity with a previous decision, you ordered the examination of this proposal to be referred to the commission of seventeen, which was already engaged in examining the colonial bill.

Without in any way wishing to anticipate the results of the labors of the commission, we are in a position to state that the attentive study of the documents and annexes attached to the proposal has confirmed, and perhaps gone beyond, the opinions previously formed on the state of material prosperity of our future colony and its future.

It is possible that further light may be thrown on certain points, but it would be unfair to contest the merit of a work which has hardly existed a quarter of a century and which finds itself in the first rank among similar enterprises.

It is our duty also to state, and we do so with patriotic pride, that the immense majority of the Belgian nation desires to take over the Kongo State. It feels that the moment for taking a definite resolution has arrived. The time has come for Belgium to decide. Now, the opening of the Kongo to civilization is the work of her King. It is for her sake and with the help of the Belgians that he has occupied the country. The idea that the Kongo must be ours is so clear that for most people the great African colony has no other name than that of the Belgian Kongo.

Finally, it is our duty to state, and we do so with perfect openness, that the tenor of the treaty has provoked certain apprehensions in many minds, even among citizens devoted to a colonial policy and admirers of the work of the Sovereign of the Free State. The attentive study of the question will show to what extent the objections which have been raised are well founded, and whether they can not be satisfied by some change in the plan. You do not expect us to improvise a solution at this moment. For it must not be forgotten that the object of the discussion is an agreement which requires the consent of two contracting parties. Our most ardent desire is that in the examination of this great and patriotic question our only thought should be the welfare and prosperity of the mother country, of the native populations, and of the colony. At this solemn moment let us forget our differences of opinion; let us work together without distinction of party. We appeal for the assistance



of all for this great work which we are about to undertake for the expansion and future of our country—the work of the entire nation.

At the conclusion of the reading of the declaration, Mr. Hymans, leader of the Liberals, stated that the attitude of the Left toward the treaty had not changed in anywise, but that it would enter into a free and fair discussion for the purpose of assisting the Government in finding a solution in accord with the interests of Belgium.

Mr. Vandervelde, leader of the Socialist party, spoke in a similar tenor, with the reservation, however, that the Socialist party were opposed to annexation of the Kongo to Belgium in any form.

It will be noted that Mr. Schollaert has not committed himself to any definite programme. His declaration may be said to be moderate in tone, conciliatory, but not indicative of any radical departure from the policy of his predecessor.

Undoubtedly interpellations for the purpose of ascertaining the definite programme of the Government will be made in the Chamber very soon. The replies thereto, and the discussions which must inevitably follow, will most likely reveal the exact purposes of the Government and define its attitude in Kongo matters.

I have, etc.,

HENRY LANE WILSON.

No. 34.

*Chargé Carter to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
LONDON, *January 21, 1908—3 p. m.*

No. 224.—Confidential.]

I am now informed that Sir Edward Grey has instructed Sir Arthur H. Hardinge to make to the Belgian Government the communication already arranged with the United States minister at Brussels, as stated in Mr. Reid's No. 216, as soon as the latter is ready to do so. This will enable Sir Arthur H. Hardinge to act at once as soon as you see fit to instruct the United States minister at Brussels. Sir Edward Grey assures me that he is very glad to be in accord with you in this matter. In fact, he has always been so, though he left the time and opportunity to the discretion of the British minister at Brussels, whose delay no doubt may be explained by local conditions, such as the change of government, death of the prime minister, and the attitude of the present government, which, apparently, is more favorable to our mutual views.

CARTER.

No. 35.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Brussels, January 23, 1908.*

Visited Belgian minister for foreign affairs in company with Sir Arthur H. Hardinge and made representation in accordance with our several instructions.

I introduced the subject of our visit by saying that public opinion in the United States was deeply concerned over conditions in the

Kongo region, alleged to be in violation of the act of Brussels, 1890, and that my Government was very solicitous at this moment of the possible taking over of the Kongo by Belgium; that important reforms should be instituted, especially in the carrying into effect of article 2 of the Brussels act. I said, moreover, that we are not concerned with the commercial or territorial aspects of the Kongo question, but that we reserved our right of approval of annexation until assured that the same would provide for the carrying into effect of the humanitarian provisions of the Berlin act, as reenforced and emphasized in the Brussels act of 1890. In conclusion, I expressed the hope that the treaty of annexation might [provide?] such safeguards for the execution of the Brussels act as would be satisfactory to international opinion and public opinion in the United States.

Sir Arthur H. Hardinge defined his Government's position at much greater length, but the substance of what he said was that the British Government, while not desirous of influencing the attitude of the Belgian Parliament, found it incumbent nevertheless to make known the fact that it reserved its right as a signatory to the Berlin act, in view of the possibility of the annexation of the Kongo not being carried out in conformity with its spirit.

Belgian minister for foreign affairs made no comment whatsoever upon the observations we offered, confining himself to simple questions having for their object an exact knowledge of the two Governments' attitude.

WILSON.

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No. 36.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, January 30, 1908.

Belgian minister for foreign affairs has handed me a memorandum for copy and return in regard to our interview of January 23. It intimates that the annexation of Kongo is not an international question. Recites that the treaty now pending declares that Belgium in accepting cession assumes treaty obligations of Kongo State and that Belgian Government will execute same in same spirit and letter as observed in its own existing treaties with other powers. Touching acts of Berlin and Brussels on the conventional basin of the Kongo, states that the fact of Belgium being a contracting party therein is a sure guaranty of intentions of Belgian Government. Concludes, expressing the friendly and amicable, as well as private, character of the memorandum.

WILSON.

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No. 37.

*Minister Wilson to the Secretary of State.*

No. 290.]

AMERICAN LEGATION,  
Brussels, January 31, 1908.

SIR: I have the honor to confirm my cablegram of January 30. As therein stated, Mr. Davignon, the Belgian minister for for-

eign affairs, called at the legation on the 29th and left with me for copy and return a memorandum, copy and translation of which are inclosed, relative to the interview which the British minister, Sir Arthur Hardinge, and I had with him on January 23.

The department will note that the memorandum is addressed more particularly to the representations made by the British minister than to those which, under instructions from the department, I briefly submitted. This is accounted for by two circumstances: First, as a natural resultant of my indication to Mr. Davignon, as reported in my No. 285,<sup>a</sup> that on account of our purely humanitarian interests in the Kongo question and the greater and more complicated interests of Great Britain I preferred to have my British colleague present our case in extenso, and confined my own remarks to a brief but literal representation of the department's views; second, to the fact that Sir Arthur Hardinge, subsequently to our interview, permitted the secretary of Mr. Davignon to take a copy of his written statement, thus making the same the basis of the discussion. I was not asked for a memorandum of my brief observations and I suppose that Mr. Davignon—perhaps properly—assumed that in voluntarily surrendering the principal rôle to my colleague I had also assigned to him the right to receive a direct reply.

The essential point, however, of my representation is noted in Mr. Davignon's memorandum, and there is no doubt whatsoever that our position was clearly expressed and clearly understood.

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In the meantime I shall carefully watch the course of events here and report the same to the department.

I have the honor, etc.,

HENRY LANE WILSON.

[Inclosure 2 to No. 290.—Translation.]

[See Belgian Gray Book, 1908.]

*Nota Pro Memoria, January 29, 1908.*

Sir A. Hardinge, in accord with his colleague of the United States, has brought to our knowledge that the annexation of the Kongo to Belgium was considered by their Governments as the best solution under the circumstances.

The Belgian Government notes with satisfaction the opinion of the cabinets at London and at Washington regarding the joining of the Kongo to Belgium. Since these two countries have the same sovereign and the same obligations, it is therefore merely a question, from an international standpoint, of a simple transfer by which the advantages of the parliamentary régime enjoyed by the mother country will be conferred upon the colony.

The Belgian Government, when transmitting to the Chambers the papers in the transfer, could not fail to recall to them that in 1895 the project of annexation did not elicit observations from abroad. This is a well-known fact, to which it has not on this occasion added any commentaries.

The treaty of cession not having as yet been approved, and the colonial law not having been voted, the form of interior administration which will be effected by annexation is at this moment under examination and discussion in Parliament in the full exercise of the supreme authority of legislative right, and Sir A. Hardinge has thought it proper to indicate that the British Government was anxious to avoid all intrusion therein.

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<sup>a</sup> Not printed.

Sir A. Hardinge has insisted, however, that no doubt should remain in the mind of the Belgian cabinet regarding the capital importance which the two Governments attach to the application by Belgium, if she should take the place of the Independent State of the Kongo, of the provisions of the international agreements regarding the absolute freedom of commerce, of the rights of Christian missionaries, and of the humane and equitable treatment of the native population. The minister of the United States has particularly insisted upon the importance which his Government attaches to the enforcement of the provisions of article 2 of the general act of Brussels concerning the treatment of the native races.

The treaty of cession, now before the Chambers, declares in its first article that Belgium, in accepting the cession, assumes as its own the obligations established by treaties which the Kongo State has concluded with foreign powers. The Government of the King will observe in the execution of its engagements the same care and the same loyalty it applies, in spirit and in letter, to the convention, of whatever nature, which to-day bind Belgium with the Government of His Britannic Majesty and of all other powers.

Regarding that which particularly concerns the provisions of the general act of Berlin of February 26, 1885, and of that of Brussels of July 2, 1890, concerning the conventional basin of the Kongo, it might be well to recall that Belgium is a directly contracting party to these international acts, and that her plenipotentiaries took a part therein, which is a sure guaranty of the intentions which to-day inspire the Belgian Government.

In making this reply to Sir A. Hardinge and to Mr. Wilson, Mr. Davignon is animated by the same sentiments which have called forth the unofficial communication of their excellencies, and he attaches to it the same friendly and private character.

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No. 38.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, February 5, 1908.

The Government yesterday withdrew Kongo annexation treaty from consideration of Parliament, with statement that it proposed to submit a new project in lieu of it. This, it is understood, will provide for suppression of the Domain of the Crown, with equivalents to the King in the form of special civil list for realizing the philanthropic, scientific, and other enterprises of the King in Belgium and in the Kongo. The new treaty, if submitted as indicated, will be adopted and will, in my judgment, afford a solution of the Kongo question satisfactory to Belgian and international opinion.

WILSON.

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No. 39.

*Minister Wilson to the Secretary of State.*

No. 295.]

AMERICAN LEGATION,  
Brussels, February 6, 1908.

SIR: I have the honor to confirm my telegram of February 5.

In explanation of the information contained therein I have to report the following events. It appears that the cabinet of Mr. Schollaert \* \* \* made known to His Majesty the King its inability



to secure a parliamentary majority for the pending treaty of annexation, and advised him that the pressure of Belgian public opinion (and possibly international opinion) called imperatively for the suppression of the Domain of the Crown—the character and scope of which has been explained in former dispatches—and the unrestricted sovereignty of Belgium throughout every part of the Kongo. It was further submitted to His Majesty that, while public opinion was fixed and irrevocable to that extent, it might be possible to carry through a treaty of annexation which, while safeguarding these views, might at the same time, in recognition of the services and sacrifices of the King, afford financial compensations in the form of a special fund designed to carry on the philanthropic, scientific, and other projects which the King has, or claims to have, in hand for the benefit of Belgium and the Kongo.

The day after Mr. Schollaert handed in to the commission of seventeen the following ministerial declaration:

MR. PRESIDENT: The Government has decided to ask the Independent State of the Kongo to open new negotiations on the subject of the transfer of the Kongo to Belgium. It has, therefore, the honor to ask you to suspend your deliberations upon the subject of the treaty which has been submitted to you for some days, in order that it may transmit the additional convention which it expects to conclude.

It will be glad if you will consent to resume, for a while, the examination, in the second reading, of the bill for the government of the colonial possessions of Belgium.

Be good enough, Mr. President, to receive the assurance of my high consideration.

L. SCHOLLAERT.

The treaty of annexation, therefore, which has been pending before Parliament may be considered as having passed out of the realm of debate, and we may expect to enter upon the discussion of an entirely new phase of the Kongo question.

\* \* \* \* \*

I have, etc.,

HENRY LANE WILSON.

No. 40.

*Chargé Carter to the Secretary of State.*

AMERICAN EMBASSY,  
*London, February 27, 1908.*

DEAR MR. ROOT: This is only to inclose a clipping from the Times of the 27th, giving an account of the debate in the House of Commons that night, which includes Sir Edward Grey's pronouncement on the subject of the Kongo.

Yours, very sincerely,

J. R. CARTER.

[Inclosure.]

*The Kongo Free State.*

Mr. Leif Jones (Westmoreland, Appleby) rose to call attention to the affairs of the Kongo Free State, and to move: "That this House, being convinced that

the present system of administration on the Kongo is destructive of the personal liberty and economic rights of the native population and of the freedom of commercial intercourse with the outer world, as guaranteed by the Anglo-Kongolese Convention of 1884 and the Berlin act of 1885, asks the Government to do all in its power to secure that a fundamental alteration of the system shall be effected by any transfer of control of the State from the present Sovereign to any other authority; and, failing such transfer within a reasonable time, assures the Government of its hearty support in the measures it may be necessary to take, either alone or in conjunction with the other signatories of the Berlin act, in order to insure the effective carrying out of its provisions." He said that public opinion was concerned to know whether a settlement of this Kongo question was any nearer. There had been nine parliamentary debates on the subject in five years. Five years ago the House of Commons passed without a dissentient a resolution calling on the then Government to concert with other powers measures for abating the evils; but that resolution had had no result. Agitation compelled the appointment of a commission of inquiry, whose report revealed a state of things amounting to slavery. Then followed a commission of reform and the issue of reform decrees, but eighteen months had passed under those decrees, and yet, as the recent White Book showed, conditions existed which could not be realized without horror and indignation. That document justified everything that had been said against the administration of the Kongo State. One of our consuls described the official reports of the Kongo government as "Pecksniffian formulas," and another as "a series of carefully fabricated falsehoods." Under the decrees forced labor was to be abolished; but Mr. Mitchell reported that the *corvée* system had not been modified. The forced labor of the natives in payment of the rubber tax was to be limited to forty hours a month. But Mr. Armstrong reported that the average month's work for each native was not less than twenty days. And this forced labor was extended to the women, who, in consequence of the strain, were ceasing to bear children. The population, depressed, overworked, and underfed, were falling a prey to disease. The country was being robbed of its resources. The forests were being destroyed and the live stock was disappearing. Of justice there was none for the native, and at government there was no attempt, as our consuls testified. Before the eyes of civilization a race was being murdered. That was what twenty-five years of civilization, under the guardianship of Europe, had done for the Kongo; and all for the benefit of speculators. During the last ten years at least £2,000,000 a year had been taken out of the Kongo State. He stood there to say, in the name of outraged public opinion, that this system could not be allowed to go on. [Cheers.] They thought the time had come for His Majesty's Government to act, and to act with decision and directness. If Belgium volunteered to undertake the task of really civilizing the Kongo that would be a welcome solution, but we must be on our guard lest we should force on Belgium the task, which would tax her very heavily. At the same time, Belgium should be told plainly that we could recognize no nominal transfer of authority from the present ruler of the Kongo, but only a transfer which would secure full parliamentary control by Belgium, which would restore to the natives their proprietary rights and their liberties, and which would open the Kongo to real freedom of trade. [Hear! hear!] There was a letter in the Times of Monday, which should be carefully read, from Mr. Gilchrist. That letter showed that the white man's treatment of the blacks in the Kongo was consolidating the black races against the white man, and, seeing that we bordered on the Kongo State at so many points, that was a growing danger which deserved the very careful consideration of His Majesty's Government. In reviewing the history of the last five years it was difficult to resist the idea that the present ruler of the Kongo had no intention of giving up his control of the resources of that State, and that by one suggestion or another, by one delay after another, and by one specious pretext or another, he was playing with the powers of Europe and preventing them from reaching a solution. [Cheers.] Let us again appeal to the powers—there was more light now than there was in 1903—if, after a period, we found that the Belgian solution did not take place. The powers refused to help us in 1903; to-day they might be willing to do so. If His Majesty's Government would act strongly in this matter they would have behind them in this country an instructed and earnest public opinion. [Cheers.] He begged to move the motion.

Sir J. Kennaway (Devon, Honiton), in seconding the motion, said the Kongo chapter of African history had from the beginning been one of high expectation,

but, he was sorry to say, of great disappointment. The whole idea of the formation of the Kongo State was that it was intended for civilizing and benevolent purposes; but what was it now but an enterprise for the accumulation of rubber at an infinite cost of human life and suffering? [Cheers.] King Leopold, in a letter last summer, claimed it as his own property, and now they were told he was endeavoring to sell it for £6,000,000. The vote in the Belgian Chamber in December of last year could, however, be taken as a decision that the question of annexation must be taken up, and the Belgian people were beginning to face the question as they had never faced it before. What could we do in the matter? We wanted to avoid wounding Belgian susceptibilities and we desired that the Belgian people should rise to the height of the situation and endeavor by every means in their power to wipe off the disgrace of perpetuating a system of the most cruel description. [Cheers.] We must let them understand, however, that the Belgian solution must be a real solution. With nothing less would the people of this country be satisfied.

Sir G. White (Norfolk, N. W.) expressed the anxiety felt by many members at the prospect of annexation without any deliberate undertaking on the part of Belgium to alter a system which was mainly responsible for the evils which had been described. He believed the public opinion of this country was aroused to such an extent that, should annexation take place without a complete and drastic change in the system of government on the Kongo also taking place, his right honorable friend would be placed in a very serious position, because that public opinion must then force him to take action in circumstances which, perhaps, would be more difficult than they were at the present time. From all the information that reached this country, he thought they had the utmost warranty for not feeling any degree of hope that these great changes were contemplated. He urged his right honorable friend to take such steps as would leave the Belgian Government in no doubt whatever as to what was the determination of this country. At the great meeting presided over by the Lord Mayor, the reply was read of the King of the Belgians to the address presented by the city of London on the initiation of the Kongo Free State. It must have presented itself to that meeting as an indictment of the whole conduct of the King of the Belgians, for not a single promise that he then made, not a single obligation he entered into in that document, had been in any sense fulfilled. If those obligations had been fulfilled, millions of lives would have been saved; unheard of cruelties would have been avoided; legitimate trade and commerce, in which this nation would have had its fair and reasonable share, would have been carried on; the rights of humanity would have been respected, and the twentieth century would not have had to hide its head in shame that such a page of history should be written. It was the system they indicted—the system which denied to the natives any proprietary rights in the soil of their country or its natural products. The terrible charges had again and again been proved up to the hilt. Many months ago now his right honorable friend had said in that House, “We can not wait forever.” They were asking when the time limit would expire. Whilst negotiations had proceeded, and dispatches passed from one country to another, there had been no armistice to the cruelties that went on in the Kongo State. [Hear! hear!] The last proposition that had been made was that the King of the Belgians was prepared to dispose of that which, in his judgment, never belonged to him [cheers], for six millions of money. Here was an offer of the bodies and souls of men, and all that rightly belonged to them, for a few miserable millions of money! In consequence of the system which had been practiced, the King had little to offer except a devastated and partly depopulated State. Lord Cromer, in his noble speech, had declared that the practices in the Kongo were contrary not only to the dictates of humanity but to treaty obligations. Why had we not insisted on the enforcement of our treaty rights? The interests of humanity and of trade in this case went on the same lines, but King Leopold disregarded both. This condition of things was intolerable, and we should make it known that we would bear it no longer. The foreign secretary had carried prudence as far as he could consistently carry it. The time had come for resolution. He hoped the right honorable gentleman would give some assurance that a forward step would now be taken. Surely the other signatories to the treaty were equally moved with ourselves by the horrors of the Kongo. If they were not, then he hoped we would take such a resolute step as would instruct King Leopold that this nation was firm and consistent in its determination to put an end to these cruelties. [Cheers.]

Sir H. Norman (Wolverhampton, S.) said this was not an academic question of high, complicated, and delicate statecraft. It was a question of plain na-



tional honor and, therefore, of plain national duty. [Cheers.] We were so much involved in this matter that any man among us who knew the facts must feel compelled to say, "My country is disgraced by them; I myself am disgraced by them." It was, therefore, the duty of everyone to do what he could to strengthen the hands of the Government in taking action in the direction so ardently desired by the country. [Cheers.] We could make it clear that as a nation we had no ulterior object to serve. In the next place, we stood on an absolutely undeniable treaty right. In fact, as regarded treaty rights we stood in a preferential position, because our rights antedated even the Berlin act. Thirdly, if we moved in this matter, and our treaty rights had been absolutely ignored, we should run no risk of arousing the enmity of any foreign nation. When the Belgian people knew the facts the vast majority of the people of Belgium would hold the same view that we did. [Hear! hear!] Fourthly, the steps we were called upon to take were so simple that it was incomprehensible there should be so much reluctance to take them. Finally, we had the United States behind us. Lord Fitzmaurice in the House of Lords the other day said: "These debates go on, but no results are achieved." Too true. The only result achieved was the appointment of one more British vice-consul. The difficulties in Belgium were greater than they were, and the attitude of certain persons there more uncompromising. The people of England were deeply stirred by horrors which had blackened the face of the world. We incurred a much greater risk by waiting than by acting. If we permitted the Belgian people in ignorance to set their hands to a compact with which we, standing firm upon our treaty rights, could not deal, then the situation would become incomparably more difficult and dangerous. Honorable members would remember the words of the despairing King, who said: "Words without thoughts never to Heaven go." In a matter like this words without action would accomplish nothing. [Hear! hear!] We owed it to our national honor and dignity, to one another, and to civilization, to face frankly this alternative—either to begin action or to stop talking. [Hear! hear!]

Mr. G. H. Roberts (Norwich) said it was only right that the party with which he was associated should identify themselves with this motion. [Hear! hear!] He felt this was a fitting and opportune time for such a resolution to be considered, especially in view of the annexation proposals. The proposals for annexation would practically leave the present condition of things untouched and the natives in their present position of servitude. When King Leopold took over the territory he was looked upon as the trustee of civilization. The State he was to rule would be, the Belgian Prime Minister said, an international colony without privileges, without monopolies, and with freedom for all, but in the result all this had been set aside, the undertakings in the convention and Berlin act had been flagrantly violated, and the country had been administered for the benefit of the King and his friends. At first exaggeration was suspected, but now the evidence left no doubt that revolting barbarities were practiced on the natives, and it was no exaggeration to say that a system of absolute slavery prevailed in the Kongo State, a system far worse than the slavery of old days, when the slave was at least assured of food and shelter. The Belgian proposal, even with the modifications and constitutional adjustments, would leave these conditions unaltered. The natives would be tied to continual labor for life. They existed for no other purpose than to provide revenue for the King and the companies established in the State. The party with whom he was associated regarded conditions in the Kongo as a gross invasion of human rights. The proposed compromise might save Belgium, but they felt that this country had a duty to perform in upholding its treaty obligations, and a far higher duty to our common humanity. For these reasons he was glad to support the resolution.

Mr. Gwynn (Galway) wished to make it clear that the sympathy of Catholic Ireland did not go out to King Leopold in this matter. They had no sympathy with the most appalling example of rack-renting on a grand scale that the world could show. Some Irishmen had taken a different view from their instinctive distrust of Great Britain, but he believed in the justice of Great Britain where this country was not concerned in administration. [A laugh.] Let it be made clear to the world that our advice was not going to point to our own political advantage. He gladly recognized that it was possible for England to intervene in the Kongo, now that the scheme of the Cape to Cairo Railway was at an end, without being suspected of an attempt to gain a definite political end.

Sir F. Channing (Northants, E.) said the supporters of the motion did not want this debate to be a mere sequel in a long series of academic discussions



which had done nothing to improve the condition of the Kongo, to remove the stain on this country for its nonintervention, or to help the people of Belgium to right themselves in the eyes of the world by rendering a great service to humanity. [Hear! hear!] He had never wholly agreed with his right honorable friend's view that, if annexation was carried out and the Belgian Parliament was given power to deal with this question, the necessary reforms would be accomplished automatically. The history of this question ought to show his right honorable friend that that argument would not bear close examination. That solution had been hurried forward in the Belgian Parliament by the impression that it was demanded by this country, and the King and his party had made use of that impression to some extent to bewilder and mislead the Belgian people upon this question. The Belgian people did not understand the conditions and the financial and political results of annexation as it was being carried out. In the discussions on the treaty of annexation there had been no appreciation of the vital issues involved. The real point that had been discussed between the Belgian Parliament and the King and the concessionnaires had been as to the disposal of the produce of the *Domaine de la Couronne*, and the vast treasure extorted from the misery and suffering of these people had been used to debauch public opinion in Belgium. The only concession obtained by these discussions in Belgium was that the Belgian Parliament and people had been promised a share in the distribution of the spoils. As the friends of Belgium it was our moral duty to make it clear to the Belgian people that they must take up this question as a whole, and not on any false terms. They must understand that it would mean an economic loss to Belgium. They must not be allowed blindly to proceed with a solution which would lead by economic pressure to the perpetuation of the terrible system which alone would enable them to make ends meet. The unanimity and intensity of feeling of the House would strengthen the position of the Government, and he hoped the Secretary of State would use words to-night which would show that he had the weight of this great Empire behind him.

Sir E. GREY (Northumberland, Berwick). I am, of course, well aware that the strength of feeling which has found expression in the House this evening is a feeling not confined to this House, but represents an equal strength of feeling in all parts of the country outside. [Opposition cheers.] It is not, I think, too much to say that no external question for at least thirty years has moved the country so strongly and so vehemently as this in regard to the Kongo. [Opposition cheers.] It is not merely both sides of this House that share this feeling; it is both sides of the other House as well. [Hear! hear!] The debate in the other House a short time ago covered the same ground and brought out the same expressions of feeling. There was no dissentient voice at all. [Cheers.] And I am glad that one honorable member has in this debate recognized the force and volume which is added to the discussion of the Kongo by Lord Cromer's intervention in another place. [Cheers.] I do not think the matter could be summed up more forcibly, considering Lord Cromer's great experience, than by recalling to the House the fact that in effect he said that in all his long and varied experience the system in the Kongo was the worst he had ever seen or of which he had ever heard. [Cheers.] But now my task is more difficult than that of any of those who have spoken. I have to address myself to the practical side of the question, and I have also to do what I can to insure that the feelings and sentiments which have found expression in this House, and which we ourselves know are genuine and sincere, are not misunderstood elsewhere. [Hear! hear!] In the first place, there is no religious difficulty existing among the people on this question. [Hear! hear!] It has been alleged that it has poisoned the controversy on previous occasions, and I welcome on that account especially the intervention of the honorable member for Galway, who has made it clear on this occasion in this House that it is not one particular section of Christianity which is represented, and that no religious difference of opinion affects our sentiments with regard to the problem. [Hear! hear!]

#### GREAT BRITAIN'S ATTITUDE.

In the next place, I should like to make it clear that we do not claim on behalf of the people of this country any greater right or interest than is made on behalf of others, and that everything we say is said without prejudice. There is the interest of Belgium and of France, and the arrangement with Belgium giving her contingent preemption which, though arranged between her and Belgium, has been known pretty well for many years. I should like it to be

understood, also, that anything we say and any action we may take is not intended to impair or belittle the legitimate claims of any other country in the Kongo, and that we have no desire to establish political or territorial claims for ourselves. [Cheers.] On the contrary, we not only do not desire to assume more responsibility, but we wish to avoid incurring it. I should like also to make this plain—that in the condemnation which we have expressed, and rightly expressed, there is nothing directed against Belgium itself. [Hear! hear!] It has been too often alleged that our condemnation of the system of government in the Kongo is directly or indirectly a condemnation of Belgium. No one recognizes more fully than we do that Belgium up to the present moment has had no responsibility whatever in the things which have taken place in the Kongo. I go further than that, and I would call the attention of the House to the fact that once the question has been raised as to whether Belgium should or should not assume responsibility for the Kongo a real genuine expression on behalf of public opinion in Belgium has taken place of anxiety, apprehension, and indignation as to the state of affairs there. I am convinced of this also, that if Belgium is going to interest itself in the matter Belgian public opinion would feel as strongly and judge as rightly as any other public opinion, provided that it has full knowledge of the facts. [Cheers.]

#### THE BELGIAN SOLUTION.

We have always favored what has come to be known in debate as the Belgian solution, and I should like to consider for a moment why that has been so. The honorable member for Wolverhampton said that what was wanted was acts. Yes, sir, I agree; but what acts? The one action which really covers the whole ground which would be a satisfactory solution of the Kongo question is the transfer of the existing authority to some other authority. It can not be transferred to ourselves. We have no right to put forward our claim to assume responsibility for the Kongo, nor do we desire it. But without a transfer you will not get the question settled. The present existing authority is perfectly hopeless [cheers], and the policy of the Government has been directed to favoring and encouraging by any means in their power the real transfer from the existing authority of the Kongo to another which will accept it with a due regard to its responsibility. The natural transfer is from the present Sovereign of the Kongo State to Belgium. You can not pass that by without passing by the right of Belgium in the matter. If there is not a transfer to Belgium, then to whom else is it to be? Belgium has shown a disposition to assume responsibility, and if Belgium does not assume it, I do not know who else is going to assume it. I agree that if the Belgian Parliament should accept the transfer of the Kongo State to the Belgian nation on terms which involve nominal responsibility without real control it would be exceedingly disastrous. [Cheers.] I do not believe that anything of the sort will take place. I can not believe that the Belgian Parliament would agree to accept responsibility for the government of the Kongo in the present state in which it is unless it was also to have a real and full control. I say at once that, as far as we are concerned, any semitransfer of that kind which left the real control and the real executive in the power of the present authorities would not be one which we should regard as giving any satisfactory guaranty that treaty rights would be observed. [Cheers.] What we have to contemplate when we have spoken of the Belgian solution is a clear and thorough transfer, and that transfer should be such as to give real effective parliamentary control. This is a point that was emphasized by Lord Cromer in another place the other day. Given that, the other results that we desire may follow. In the first place, we gain this—that there will be a separation of the administrative from the trading element. That has been at the root of the whole mischief. [Cheers.] The State has been the trader. If you have a clean transfer to the Belgian Government, with full parliamentary control, that is stopped. Under any such transfer all revenue, all taxes, whether raised in money or in kind, will naturally be spent on the Kongo State itself. But I go further, and say we agree that it must be a condition precedent to any transfer of the Kongo to another authority that that authority should take it over on terms which will place it in a position to give assurances and to guarantee that those assurances shall be carried out and the treaty obligations fulfilled. But at present we do not know what those terms will be, and as far as we do know anything we know this—that there is a critical discussion going on between the Belgian Government and the Sovereign of the Kongo State as to what the terms shall

be. It is impossible for us to intervene officially between the Belgian Government and the Sovereign of the Kongo State in any way that is likely to promote a satisfactory solution while that discussion is going on. When the Belgian Government proposes its own terms to Parliament, then we can express our opinion. [Cheers.] But as long as the matter in its solution between the King and the Belgian Government, I believe that official intervention on our part would not contribute anything to a satisfactory solution. This debate and the publication of the White Paper may serve a good purpose in this respect. It brings out clearly what the existing state of things in the Kongo is, and it makes it equally clear that if that state of things is to be put an end to—if the forced-labor system that Mr. Thesiger calls “veiled slavery” is to be put an end to—there will be probably at first a large falling off in the revenue, and a corresponding obligation on the part of the government of the Kongo to provide for the administration.

#### THE NEED FOR CIRCUMSPECTION.

No one can read that White paper without realizing that there is a very serious task before any government undertaking to reform the Kongo, and that it may be burdened at first with a very considerable financial liability. One honorable member repudiated the idea that we were in any way going to force the taking over of the Kongo on the Belgian Government. That only shows how unaccountable the misrepresentations of our intentions and actions are circulated abroad. I never heard before that it had ever been suggested that we dreamt of forcing anything on the Government.

MR. LEIF JONES. It is a recognized fact in Belgium.

SIR E. GREY. The fact that that has been in existence without my knowing it shows how extraordinarily one has to be on one's guard against misrepresentations and misinterpretations of anything that has been said. I could never have believed it possible that such an idea could have gained credence in any quarter. Nothing could be further from our purpose than in any way to force the choice of the Belgian people in the matter. All that we desire—and that is why I have been chary of saying much on this question—is that the choice of the Belgian people should be absolutely free. But it is also equally desirable—in fact, it is essential to a free choice—that that choice should be made with full knowledge of the conditions in the Kongo at the present time. [Cheers.] For that reason I am glad that we have been able to publish now the reports that are before the House. I should be glad if every member of the House would read, at any rate, the very able summing up by Mr. Thesiger in the last paper as to the condition of affairs in the Kongo; and I should be still more glad if it could be studied in Belgium as it is studied here. That report of Mr. Thesiger has nothing sensational about it. On the contrary, he says that atrocities have diminished and that the people in some districts are relieved by the present condition of things. But one can judge from that one paragraph in his dispatch how appalling the situation in the Kongo has been and still is. [Hear! hear!] Mr. Thesiger says: “The system which gave rise to these abuses still continues unchanged, and so long as it is unaltered the condition of the natives must remain one of veiled slavery. Their own feeling at present seems to be one of relief that the former acts of violence and cruelty have so largely diminished and that the sentry system has been altered; but it is very largely the fear of a return to the former state of things that makes them endure the incessant work and hardship entailed on them by the labor tax with so little complaint except as regards the paucity of their remuneration.” I do not know that you could have any stronger condemnation of what the government of the Kongo has been than that it should be said, in a calm and moderate dispatch, that the present state of things is felt by the natives to be a relief, when the present state of things is such as is described in the earlier passages [cheers]—where the forced labor is such that, in some parts, each woman has practically to work incessantly for twelve months in the year; where, in other districts, under the most favorable conditions, two hundred and sixteen days a year are required for the men to collect the tax imposed, and where, in other districts again, the tax, which is assessed at forty hours' labor per month, makes the native work from twenty to twenty-five days out of every thirty, and where you find that, in some parts of the Kongo, where the amount of the tax has been reduced, it has not been reduced because it was regarded as excessive, but because, owing to the exhaustion of the district, it has become impossible to collect it. [Cheers.]



COOPERATION WITH THE POWERS.

With regard to our own position in the matter, we have been invited to cooperate with the other powers. Nothing would give us greater pleasure; but anyone who realizes the situation which we discussed yesterday evening will see that at the present moment it would be inexpedient for us to take the initiative in approaching other powers to ask them to take up another question. But if they desire to cooperate with us, if they but express their desire, we will most willingly cooperate with them and give them the chance of sharing an obligation that any of them may desire to take. Our own obligations are exceedingly heavy. They are, naturally, if you look at it from the point of view of British interests alone, from the foreign and colonial point of view, heavier than those of any other country. We have no desire to add to them other general obligations, and we should only be too delighted in this matter to share our obligations with any other powers who are willing to undertake them. And I do welcome, more than I can say, the cooperation of the United States. [Cheers.] That, at any rate, we have, and the House can not value that too highly. [Cheers.] After all, the great weapon which has been of value in the Kongo controversy so far has been publicity, but it has been left to us alone to give that publicity, and we have been suspected from time to time of interested motives. Now the United States has, through its consul-general, come to support us in this matter. [Cheers.] The United States is above any suspicion, any possible taint of suspicion, of interested motives in this matter, and the fact that the United States consul-general has issued a report, from which, by the permission of the United States Government, we quote extracts in our own paper—which is, in itself, evidence of the close cooperation between us—and which I hope the United States Government will publish, corroborating everything which we have said with regard to the government of the Kongo, is a fact which must influence the public opinion of Europe. [Cheers.] I can only say that we rejoice that we should be found working with the United States in such a cause as this, and I trust that the cooperation which has already begun between our ministers will be continued and carried further. [Cheers.] In dealing with another subject yesterday evening, I had occasion to speak of the impossibility of taking isolated action which would be effective. I do not place any such limitations upon us in regard to the matter of the Kongo. [Cheers.] But it must be borne in mind that the amount of good which we might be able to do in the matter by isolated action is limited and that our power for good is vastly increased by cooperation with other powers. Separate action we are prepared to take on behalf of British treaty rights or British interests. [Cheers.]

TREATY RIGHTS.

Lord Fitzmaurice, speaking in another place the other day, referred to one difficulty in which we are intimately concerned—the difficulty of obtaining sites which missionaries want for their chapels and other purposes connected with their missions; and he said that the reply of the Kongo Government to us on this matter had been unsatisfactory. The reply of the Kongo Government has been that, with annexation by Belgium in prospect, it is not prepared to alienate part of their territory. In a matter of this kind of missionary sites, considering all that has taken place, I do not consider that that is a very satisfactory reply. [Hear! hear!] But I have agreed that at the present moment we would wait till the Belgian session closes, which is, I think, at the end of May, to see what the Belgian Government and the Belgian Parliament are going to do in the matter. If it becomes clear from the present session of the Belgian Parliament that Belgium is going to take the Kongo over on satisfactory terms, then with regard to such a question as this of mission sites, or other questions which we may have to raise, we shall look to her, as we should look to any friendly or civilized government, and we shall discuss with her questions arising out of our treaty rights in the same way that we should discuss them with any other friendly and civilized government. But assuming that this does not take place, and that after the close of the present Belgian session we have to deal with the existing Government of the Kongo unchanged, then we must be free to deal with questions of this kind or others which may arise out of our treaty rights in our own way. [Cheers.] I am not anxious to put trading questions in the foreground. Things are so bad that the trading and commercial aspect is really subordinate to questions of humanity. We



shall, of course, stand upon our treaty rights under the Berlin act, and our treaty rights which originated in the recognition of the International Association of the Kongo in 1884. But when you come to a state of things such as that disclosed in the papers now before the House, you are dealing really with something which amounts to slavery, which can not be regarded only from the point of view of treaty rights. [Cheers.] It is a violation of the ordinary rules of civilized government. I agree that no isolated action on our part can cure or radically alter the whole system in the Kongo State. We may increase our consuls, we may give them means of transport, we may go so far as to establish consular jurisdiction. But even when we have done all that we have not secured an alteration of the system under which the Kongo is governed. But I would ask the House to believe that if I speak with hesitation as to the action which we may be able to take it is not because I am at all satisfied with those measures which I have already indicated. It is because I am anxious to discover, if I can, any further means of bringing pressure to bear upon the Kongo Government. But the matter is exceedingly difficult. Treaty rights have been referred to. It is easy to quote one passage out of various treaties by which the Kongo State is bound, but you find that the whole network of treaty obligations surrounding the Kongo is exceedingly complicated, and where you would like to act on one clause, you find another clause makes it exceedingly difficult. Take, for instance, the suggestion of my honorable friend the member for Norfolk that we should go so far as to intercept the produce coming from the Kongo. I gathered that what was in his mind was that we should say this produce from the Kongo is the produce of slave labor, and that, as such, it is a trade which we are entitled to intercept, and which should not be carried on. The Kongo is by one of these very treaties a river which is internationally open to free navigation, and you can not interfere with free navigation on the Kongo which is passing under a neutral flag. You are bound by international obligations not to interfere with the Kongo. Though I do not say, by any means, that when we have dealt with the consular question we have exhausted all the measures which may be at our disposal to put pressure on the Kongo, still I say it is a matter in which you must move exceedingly careful, and before I can go so far as to hold out to the House an expectation that we could go beyond the measures which were indicated in the debate in another place the other day, and which have been indicated here this evening, we shall have very carefully to consider what our treaty rights are.

#### SOME SUGGESTIONS.

But the history of the question, from the foundation of the Kongo State—founded to create freedom of trade and to civilize and benefit the natives—does give rise to some suggestions. At first the State undertook not to impose any import duties at all. Later on an agreement was come to under which it was to be entitled to impose import duties to repay it the necessary expenditure upon the moral and material welfare of the natives. [Laughter.] The noble lord opposite suggested on a previous occasion that, if Belgium took over the Kongo and found that the financial difficulties were considerable, we might express our readiness to come to her relief by agreeing to a revision of those duties in order to provide her with a larger revenue. I am quite willing to take that into consideration should Belgium take the Kongo over on satisfactory terms and should she desire some advantage of that kind for those purposes. It has occurred to me also that we might take the other point of view, and if Belgium does not take over the Kongo we might after all raise the question whether the consent which we gave to these import duties has not been given upon false pretenses. [Cheers.] Now that it has become clear that there is no freedom of trade and that, instead of the country being developed for the benefit of the natives and the revenue raised by import duties or otherwise being spent entirely for the benefit of the community, the country is being exploited by forced labor, and the result of the administration has been to secure large profits sent outside the country, we might consider whether we should not raise the question as to whether our consent to the import duties had not been given under false pretenses and whether our consent is still binding. Coming down to more recent years, we have the Kongo commission report, followed by the promise of reforms, and we have the state of things which is now disclosed in the reports of the British and United States consuls. If you review the history of the hopes and aspirations with which consent was given to the foundation of the Kongo State, you can not but come to the conclusion that the State

as it exists to-day has morally forfeited every right to international recognition. [Cheers.] I trust and believe that if Belgium decides to take over the Kongo she will do it with full knowledge and on satisfactory terms; but, should she not so decide, the question of the Kongo has, in face of the full knowledge which we now have, in face of the hopelessness of expecting reforms from the present administration, entered upon a new stage. There have been results from debates in this house and from the publicity which has been secured by our action. One of these results, I think, is the present proposal that the Kongo should be transferred at all. But for the publicity we have given, and but for our debates, I doubt whether there would have been any question at this moment of transferring the Kongo State at all from the existing authority to another. But, whatever the result may be, whether Belgium decides to accept responsibility, or whether we have to take up the question in a short time and continue to deal with the existing state of affairs in the spirit in which I have indicated we shall deal with it if necessary, I can only assure the House that the Government shares the strength of feeling which exists in this country; that they will do their utmost to find means by which that strength of feeling may receive practical expression and secure practical results in the reform of the condition of affairs in the Kongo. And we are quite willing, believing that every word in the resolution is thoroughly justified, to accept the resolution. [Cheers.]

Earl Percy (Kensington, S.) welcomed the explicit statement of the right honorable gentleman that the Belgian solution meant an absolute guaranty that under annexation the whole of the administration in the Kongo, from top to bottom, would be subject to full parliamentary control. Once that control was secured, other reforms would follow as a matter of course. In view of the financial embarrassment in which the Belgian Government might be placed by a policy which involved the abolition of the present concessionary system, he was glad the right honorable gentleman was prepared to consider impartially a revision of the customs duties. He did not think the British Government could give a clearer proof that the motive which chiefly animated us was not connected with our trading interests, but was purely humanitarian. [Cheers.] He could only hope that, in view of this tangible proof of British good will and our desire to assist the Belgian people in extricating themselves from any possible financial embarrassment, public opinion in Belgium would now definitely range itself on the side of public opinion in Great Britain and in America, and would insist that a system of slavery should be allowed no longer to shelter itself under the folds of a Christian flag. [Cheers.]

The resolution was agreed to amid cheers.

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## No. 41.

*Minister Wilson to the Secretary of State.*

No. 301.]

AMERICAN LEGATION,  
*Brussels, February 27, 1908.*

SIR: I have the honor to transmit herewith translations of editorials which appeared in the *Indépendance Belge* on February 24 and 26, respectively.

\* \* \* The tone of these editorials suggests a desire to convey the impression that an unwarrantable and an unjustified pressure is being exerted by the Government of Great Britain in the procurement of a solution of the question of the Kongo annexation to the advantage of British interests, but incompatible with the dignity and honor of the Belgian people.

Articles similar in character have appeared in other journals, but those transmitted serve to show the drift of press opinion.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.—Translation.]

*Editorial from the Indépendance Belge, February 24, 1908.*

The lull which appeared to have survived in the campaign led for years by certain English elements against the Independent State of the Kongo has not lasted, and it was not sufficient that the Government, through Sir Edward Grey himself, made known that it agreed to await the results of the negotiations between Belgium and the Independent State, to calm those who were influenced by the propaganda of the "Kongo Reform Association." The meeting held in Queen's Hall, the debates announced in the House of Lords and in the House of Commons, the language of a section of the press—in fact, all the ingeniously combined demonstrations produce in England a particular condition which must strongly affect political parties. It would be idle to deny that the anti-Kongolese agitation has gained ground and that it has finally invaded circles which hitherto appeared to have been completely indifferent. In the beginning the agitation was confined to a few Liverpool merchants solely engrossed in their commercial interests, but by a constant repetition of the humanitarian argument it became possible to stir up some elements whose disinterestedness can not be suspected. To the missionary element is due a great part of the results of this propaganda. Their religious character gives them a hold upon certain classes of citizens, who would not, merely in the interests of commercial protection, manifest their hostility to a State of whose organization and political life they are totally ignorant; but they have from all sides been told that the Kongo is the hell of the black, the cursed land where the negroes are hunted down and tortured; they have been told stories of hands chopped off, of unmentionable violences. To convince them, striking slogans have been invented, as, for instance, "bloody rubber," in such way to move profoundly the ancient sentimentalism of the English soul and to succeed in creating one of those movements which rouses people to noble crusades. All this is superficial and far from right; it all rests in fact on words only. It is, however, none the less true that this movement exists and that few of the Englishmen in authority having at heart the maintenance of their influence and positions dare oppose it. There are found those, and their number is not a minority, who agree that these "atrocities" are exaggerated, if not pure inventions; that the members of the Kongo Reform Association have struck a false note, and that their systematic campaign is not at all respectable. But the latter still insist upon, in spite of all appearances, the sincerity of the humanitarian impulse which impels the English people to oppose the Kongo State and to demand what can not be styled other than the dispossession of King Leopold.

If one were to express surprise at seeing those so imbued with humanitarianism crying out against the Kongolese régime, while they tolerate a character in the English domination of certain countries—in South Africa, India, and elsewhere—which is far from humanitarian, he would receive the reply that "it is not the same thing;" that the severities of the English administration have not the object of exploitation, and that they are not the results of the régime itself. Thus, the story of the mote and the beam is found again in the English views concerning the Kongo, and no reasoning could induce these humanitarians to admit that they are not defending the truth alone, and that in this matter they are not the heroic champions of goodness and justice.

The English opinion is warped in regard to the Kongo because it is the outgrowth of reasons of a sentimental character; it is warped because the teary humanitarianism of the missionaries has been ingeniously combined with the interests of the merchants, which, under the present régime, do not find in the Kongo all the advantages they covet there; but it is especially warped because, aside from this sentimentalism and these interests, national pride is hurt by the resistance opposed to any English pressure. A great people, accustomed to compete in politics with other great nations, can not admit that an infinitely weak people could ignore its influence. This is not the result of arrogance, nor of contempt of equity; it is the result of a species of exaggerated self-esteem, extremely dangerous, which prevents seeing matters in their right light.

A great power like England, endeavoring for many years to modify by constant pressure the existing condition of a small State and not reaching its goal, is inclined to resent it—and then we see that great nation, believing its prestige hurt, distorting the truth, delighting in subtle interpretations of texts, losing the just notion of things, solely because its prestige demands imperiously that it



should have the last word. Thus, the anti-Kongolese agitation, in the beginning entirely factitious, has become a reality in England; thus, the religious element after the commercial, the political after the press element, and finally the governmental circles themselves have been influenced, won over, drawn into a movement which in principle can not be justified. It is not the first time that such a phenomena has been produced; the agitation against the Boers did not begin otherwise, and they were sincere, those Englishmen who desired more rights for the Uitlanders. They did not wish a war; they did not dream of any conquest—this war and this conquest were natural results of the fact that the great financiers, ambitious to possess the mines of the Rand, had the power to direct, without detection and from a distance, public opinion. Mr. Morel said Friday at Queen's Hall that the British conscience ought to count for something in world politics. It will not count then for anything except in exerting pressure on the consciences of other nations—that is to say, in ignoring the right of every free people to arrange their own affairs and interests to the best advantage. It is the imperialistic exaggeration which unveils itself, and it is in the name of this necessity of making the British conscience supreme in world politics that every act of injustice and brutality will be excused.

Once embarked on so dangerous a road, who knows where they will pause? When the resolutions passed at the London meeting are closely examined, it appears that there is in these manifestations of public opinion an incoherent contradiction.

In the beginning nothing was demanded from the Government of the Independent State but the recognition of the English interpretation of the general act of Berlin. There was no question following except the realization of certain practical reforms. Very soon afterwards the idea arose of the suppression of the Independent State and its annexation to Belgium, conformably to the right of the latter to take over the colonial work of the King. Now the question of annexation is not considered unless Belgium accepts the conditions which the English may desire to impose. These different stages and successive advances have done much to excite the apprehension of the Belgian people. It is true that the English Government has never officially formulated these demands, but when it is noted that it cedes little by little to the pressure of the Kongo Reform Association, may it not be believed with certainty that to-morrow it will only need some pretext to cross this last boundary? Belgium is a little country, very sensible of its rights and its duties. During the seventy-seven years of its independent existence it has never evaded its international obligations or committed a political crime against right or humanity. If Belgium annexes the Kongo, it may be held as certain that she will scrupulously respect in letter and in spirit the articles of the general act of Berlin, and that she will continue there, as here, the work of civilization. It is only just to say that it has never been necessary to drive the Belgians along the paths of moral and material progress, where they have sometimes given worthy lessons to others. Belgium will then be as fully alive to its duties in the Kongo as England could be, and it is unnecessary therefore that there should be any conditions imposed in connection with annexation. Any pressure of that kind would have the character of a useless irritation, of a brutal humiliation which the Belgian people could not tolerate. We only wish to exercise our strict rights, but we claim that these rights remain in their entirety, and if, as a free people, we engage in the colonial work, we do not wish to begin under the tutelage of any other nation. The Kongo can not be an international colony should Belgium assume its administration; it should be a Belgian colony, neither more nor less—a colony of which the administration and improvement should rest only on the responsibility of Belgium. For us, who have defended for so many years in these columns the Kongolese work, who have never doubted its future, it would be preferable to see Belgium refuse to harvest the fruits of the long and diligent efforts of its King than to witness the annexation of the Kongo under circumstances which would admit in principle the English tutelage, which would become a constant menace of intervention, and which would rob us of full liberty of action in the management of our own affairs. Dignity is indispensable in the political life of any independent nation. It can not be that liberal England would ignore these elemental truths.

It is not necessary, then, to disguise the fact that the present hour is grave for us, and that it is necessary to prevent as far as possible the complete submersion of English governmental circles under the evil current which exists there. If matters should become more complicated our good right might not finally prevail against force, since it is a great misfortune in our epoch of civilization, of progress, of pacification, and of humanitarianism to be a little power



the voice of whose diplomats can not, in case of need, be supported by the voice of cannon. The best means which we have of efficiently safeguarding our interests and of assuring our future is to hasten the annexation. In politics the accomplished fact only counts, because it gives everything a new aspect which lessens, happily, the rancors and the hatreds to which old difficulties have given birth. The annexation finished, the campaign of the Kongo Reform Association will very naturally lose its false importance and will not have the power to so profoundly agitate English public opinion.

In any case, the British Government will then be in a better position to resist the pressure of those who in England, from impractical humanitarianism or mad sentimentalism, aim more at the depossession of King Leopold than the improvement of the condition of the negroes. It is important, then, at any price, to hurry the annexation of the Kongo to Belgium and thereby finish the discussions which have ceased to relate to essential points, now that the formula of the Foundation of the Crown is disposed of, and there only remains the necessity of arranging the details, of which the admission or the rejection can not exercise any serious influence upon the conditions under which Belgium proposes to engage in colonial work.

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[Inclosure.—Translation.]

*Editorial of Indépendance Belge, February 26, 1908.*

The English House of Lords reached, Monday evening, the discussion of the Kongo question announced some time ago, and which in advance was considered to have a great importance. In fact, the speeches which were delivered on that occasion merit the closest attention as well for their general tone as for the personal authority of those who risked such serious utterances. Judging from the telegraphic account thereof, which we publish elsewhere, the argument set forth by Lord Mayo, Lord Cromer, and the Archbishop of Canterbury to justify English intervention in Kongo matters are of another category than those by which irresponsible elements have constantly incited English public opinion against the Independent State of the Kongo—that is to say, it must not be concealed that these speeches reveal among the English administrative elements a condition of mind indicating a real danger. Lord Cromer was especially aggressive, attacking the very elements of the organization of the Independent State. He discarded the idea of a new appeal to the powers, but he upheld the direct action of England in advising the Government to make use of its right, under the treaty of 1885, to give judiciary powers to English consuls in the Kongo. We have already shown that this right is accorded to England only in the event of Kongo justice being ineffective; but the fact that since 1885 the English Government has not thought it necessary to make use of this right evidently implies the recognition that the judicial organization of the Kongo is adequate to all requirements. It would appear all the more unjust, therefore, to invoke this right, now that serious efforts have been made to assure the normal working of the judiciary in all possessions of the state.

What is no less striking is that Lord Cromer and the Archbishop of Canterbury stated that the annexation of the Kongo by Belgium, as it is now proposed, does not accord with the views expressed in the speech from the English Throne, in that it allows the old régime to exist. Lord Fitzmaurice, parliamentary secretary for the foreign office, refuted this essential point. As the London Government has, up to the present, insisted on this point, he laid stress on the foreign and domestic difficulties which the problem of annexation presents for Belgium. Progress had been slow but sure, for to-day the principle of annexation is clearly laid down. The telegraphic accounts make Lord Fitzmaurice say that the principle of annexation was voted in December, 1906. That is evidently an error, for no vote of this nature has yet been taken in the Belgian Parliament. A final vote regarding annexation can only be reached when there is a perfect agreement concerning the treaty of transfer and the colonial régime. That point has not been reached as yet, and therefore they are too previous in England in saying that the conditions of annexation are unacceptable. At this moment no one is able to say exactly what will be the final basis of the régime which Belgium intends to establish in the Kongo upon its becoming her colony.

Lord Fitzmaurice repeatedly insisted that care should be taken not to say anything which could be construed as a criticism of the statesmen or Parliament of Belgium; but immediately after, the honorable parliamentary secre-

tary of the foreign office averred that formerly Mr. Beernaert, while premier, showed the very best intentions, but that "influences outside the Government, Parliament, and the Belgian people had always prevented him and his successors from putting their ideas into practice." That is a very grave insinuation to come from a member of the English cabinet. To what influences "outside the Government, Parliament, and the Belgian people" does this refer? Outside these three elements there is only one which can influence Belgian ministers—that is, the Crown—and it is astonishing that a member of the English Government, speaking officially in the House of Lords, permits himself, contrary to all customs, to introduce thus in a speech the name of a foreign ruler. One confesses that Belgian public opinion is justified in being incensed at such language, and that therefore it will greet with a certain lack of confidence the advice given by Lord Fitzmaurice to the English to do nothing in the Kongo matter which could be construed in the nature of an illegitimate pressure on Belgium.

Special notice should be paid to the official assertion by the parliamentary secretary of the foreign office that the United States already made common cause with England concerning the Kongo, and that the American minister and the minister of Great Britain accredited to Brussels were in communication with each other regarding everything relating to Kongo affairs. For a long time we have been menaced by this intervention on the part of the Washington Government, which was the first to recognize the Kongo flag and which was unwilling to sign the general act of Berlin under the pretext that the act regulated the situation in the conventional basin of the Kongo where the United States had no interests. To-day things show a different face, and the American and English representatives act in accord with one another. It is the beginning of the international pressure for which London has never ceased to hope, and which we have always refused to believe possible because it can only work contrary to all equity and justice.

All this is not done to give to the Belgian mind the indispensable calm necessary for a fair solution of this grave problem. Lord Fitzmaurice has repeated once too often that it was wrong to attribute to the English Government any hidden thought, purely selfish, of territorial or commercial gains. We know, on our side, that if such are the secret desires of certain elements the English Government has not been guided thus far by views of this kind. Assuming therefore that it desires the annexation of the Kongo to Belgium as much as we desire it ourselves, it should remember that this annexation can not be made under normal conditions unless the dignity of the Belgian people is respected and they are left free in their acts. The English Government should understand that the Belgian people are conscious that the Kongo, after having become a Belgian colony, can not be governed by the same methods which have been employed by the independent State. The period of development itself which the Kongo has reached makes obligatory practical methods by which the most serious responsibilities of humanity may be reconciled with the vital interests of the colony and Belgium. Discussion of this point is superfluous, but it is necessary to admit that the responsibility rests with Belgium—conscious of her duty, of her interests and resources—to fix the basis of a new régime which will have the purpose of establishing in the Kongo its control and its responsibility. This is a point upon which Belgians, whatever be their views on the Kongoese question, can not differ.

It is necessary that it should be understood at London that if annexation is sincerely wished all intimidation, direct or indirect, addressed to Belgium—sole mistress of her destiny—should be avoided. If this is not understood there will be a possibility of dangerously complicating matters and of weakening in Belgium itself the action of those who are working with all their energy and good will to make of the annexation of the Kongo a sound and loyal work.

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No. 42.

*Chargé Carter to the Secretary of State.*

No. 545.—Confidential.]

AMERICAN EMBASSY,  
London, February 28, 1908.

SIR: Sir Edward Grey sent for me this morning to come to the foreign office, as he wished to add a few explanations to you after the

debate of this week in the House of Lords and the House of Commons on the subject of the Kongo, and to define his position more clearly.

He said that it was his purpose now to wait and to do nothing more until the proposals of the Belgian Government were laid before the Belgian Parliament, and it entirely depended upon the nature of these proposals what his future action would be. If they were unsatisfactory in their nature and not in accordance with the views of His Majesty's Government, which were practically the same as ours, he would consider it necessary to make further representations to the Belgian Government on the basis of the reports of our consuls in the Kongo, and this he hoped would be a joint representation of both our Governments, and to that end he would duly inform you of the line he proposed to take, so that the representations in question might be identical.

He said he welcomed the fact of our working together in this matter, and that the amount of good we were able to do in the Kongo was vastly increased and far greater than their isolated action would be—our action being disinterested was open to no suspicion in any quarter—and that he was prepared to go with us as far as we would wish.

I have, etc.,

JOHN RIDGELY CARTER.

No. 43.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, March 6, 1908.

By treaty of annexation just laid before Parliament, the domain of the Crown is suppressed and all of its holdings in Europe and Africa are transferred to Belgium. Control of Kongo budget placed in the hands of Belgian Parliament. A special fund of \$9,000,000 is to be applied to completing projects of the King already inaugurated, and in token of national gratitude a special fund of \$10,000,000, payable in fifteen annual installments, is placed at the disposal of the King to carry out future projects.

Treaty of annexation will probably be adopted after consideration by committee.

WILSON.

No. 44.

*Minister Wilson to the Secretary of State.*

No. 306.]

AMERICAN LEGATION,  
Brussels, March 9, 1908.

SIR: I have the honor to transmit herewith three copies of Document No. 129 of the House of Representatives, which contains the bill approving the additional act for the annexation of the Independent State of the Kongo to Belgium.



The "exposé des motifs" (statement of ministry), the project of law, the additional act of annexation, and the royal decree suppressing the Foundation of the Crown have been translated, and the translations are inclosed herewith.

The five annexes, supplemental to the treaty, and which are in the nature of exhibits, it has not been deemed necessary to translate, as the information contained in them is obvious in the French text, and portions of them can be of little value to the department.

I have, etc.,

HENRY LANE WILSON.

[Inclosure to Dispatch No. 306.—Translation of Inclosure No. 1.]

*Bill approving the additional act to the treaty of annexation of the Independent State of the Kongo to Belgium.*

"EXPOSÉ DES MOTIFS."

[Statement of ministry.]

GENTLEMEN: On the 14th of January, 1908, when we presented ourselves for the first time to you, we had the honor, in the declaration which we then made, of noting that the tenor of the treaty of annexation of the Kongo by Belgium had given rise to some apprehensions, and we announced our desire to meet objections which we judged well founded by the introduction of certain modifications.

Negotiations were thereupon opened with the Independent State of the Kongo. These had for their object the elimination of the civil personality of the foundation of the Crown, the granting of the property of said foundation by its founder to the private domain of the State, and finally the conclusion of an additional convention between Belgium and the Kongo State determining the obligations which, in the future, should rest upon the mother country and the colony.

We had the assurance of meeting your views in asking that the obligations created by the foundation of the Crown, in which Belgium is equally interested, should be placed to her charge. We desired also to know the works, the execution of which was in contemplation, with an approximate estimate of their cost.

On the 4th of February the negotiations had taken so favorable a turn that we were able to request the Commission of Seventeen to adjourn its work until such time as we would be able to transmit to it the additional convention, the conclusion of which was assured.

The pourparlers were continued, and on the 24th of February we addressed to the Sovereign King the following letter:

"SIR: At the moment when the Chambers are about to vote upon the treaty of annexation of the Kongo to Belgium we have the honor to make known very respectfully to Your Majesty, after having rendered homage to the high and patriotic views which have governed you in establishing the foundation of the Crown, that these views are not generally understood.

"We advise Your Majesty to consent to eliminate from said foundation the civil personality and, by a new act of munificence, to order that the property which has hitherto belonged to the foundation should be transferred to the private domain of our future colony, which will thereby hold the foundation absolved and free of all obligation.

"If it is agreeable to the King to accede to our request, it follows naturally that the obligations and the engagements of the foundation will be respected.

"The country would hold it an honor, we are sure, to assume the payment of all sums owed by the foundation and to meet the engagements contracted by it in which Belgium is especially interested.

"An additional act to the treaty of November 28, 1907, should show in a precise manner the obligations which from this transaction will fall upon the



mother country. The same act should indicate clearly the obligations which will fall upon the Kongo.

"According to our views the sums at present due, for which Belgium should be recognized as responsible, should be immediately liquidated. Likewise, in carrying out the works in process of construction and those under contract, Belgium should take the place of the foundation. A special fund should be created, of which the sum total should be irrevocably appropriated to the payment of these works; these payments should be placed under the control of the court of accounts.

"On the other hand, the budget of the colony should be looked to to support the past and future expenses made on its account, and also the cost of that part of the liquidation of the foundation of the Crown in which it is interested.

"Finally, a capital of 50,000,000 francs, payable in fifteen installments, of which the first should be 3,800,000 francs, and each of the other fourteen 3,300,000 francs, should be established, in token of gratitude to Your Majesty, by the Kongo.

"The disposition of this capital shall be directed by the King during his lifetime, or by his successors afterwards, to Kongo objects and to different works in favor of the Kongo, whether for the profit and well-being of the natives or to the advantage of the whites who have rendered good service in Africa."

The Sovereign King acceded to our request and issued, under date of March 5, a decree abolishing the civil personality of the foundation of the Crown and transferring to the private domain of the State all of the possessions in Africa, reserving only the two blocks of land of 20,000 hectares in the Mayumbé where experiments in the culture of rubber are being made, and the possessions in Europe enumerated in Annex I of the additional convention; but for a part of these mentioned in the annex the revenue is retained.

These possessions are already destined to the State to meet the debt of 12,000,000 francs which the foundation of the Crown yet owes it.

The charges incumbent on the foundation and which ought to be assumed by the State are in this manner considerably reduced; the annexes set forth all those which still exist.

Finally, a fund of 50,000,000 francs is created. Said fund is assigned to the Sovereign in testimony of gratitude for all the great sacrifices which he has made in favor of the Kongo.

It will be paid to him in fifteen annual installments, the first of 3,800,000 francs and the others of 3,300,000 francs each. This fund will be entirely consecrated by the Sovereign in carrying out his plans relative to the Kongo and in works in favor of the colony, such as the construction of hospitals, schools for the instruction and the education of negroes, the expenses of scientific missions, the establishing of institutions for the prevention and cure of sleeping sickness, the aid of missions, and of works in favor of the whites who have rendered good service in Africa.

Following this decree we concluded with the Kongo State an additional convention, the purpose of which was to determine in a precise manner the rights and the obligations of the mother country and of the colony whenever the treaty of annexation shall have been adopted.

The possessions of the foundation situated in Europe and set forth in the annexes are transferred to Belgium, but she must assume responsibility for the sums due in Europe from the foundation. These sums amount to 1,118,000 francs.

Belgium assumes the rights and obligations of the foundation in contracts for works in process or projected; the same are enumerated in the annexes.

The initiation of no new works is required. The only works to be continued are those of Laeken, the roads of Meysse, of the Heysel and Ostend, and the rearrangement of the Hotel Belle-Vue.

These will be carried out as usual under the direction of the State and the payments will be made under control of the court of accounts.

The total cost of these works is estimated at 45,000,000 francs.

Belgium will have, on the other hand, to face in the future the annuities yet due for the Rue Coudenberg purchases, which amount yet to 595,454 francs.

The Chamber will appreciate the importance of the concessions obtained. A just homage of respectful gratitude is due to the founder of the Kongo State. He has renounced his personal views to assist Belgium in reaping the benefit of the work to which he has devoted so many years.

The bill of annexation, which is at present submitted to you, takes account of the objections which have been raised.

We are carrying on here a national work. From the beginning we have appealed to the good will of all to momentarily forget the differences and the divisions of parties.

We have the firm confidence that you will understand the appeal, and that a patriotic accord will be established among us to solve the important question which is submitted to you.

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[Inclosure to dispatch No. 306.—Translation of inclosure 1.]

*Project of law.*

LEOPOLD, KING OF THE BELGIANS.

*To whom it may concern, greeting:*

Upon the advice of our council of ministers, we have decreed and decree:  
Our ministers of (enumeration of ministers).

ARTICLE UNIQUE. The additional act hereto annexed to the treaty of annexation of November 28, 1907, between Belgium and the Independent State of the Kongo, is approved and signed the 5th of March, 1908.

Given at Brussels, March 5, 1908.

LEOPOLD.

(Enumeration of ministerial attestations.)

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[Inclosure to dispatch No. 306—Translation of inclosure No. 1.]

*Additional act to the treaty of annexation of the Independent State of the Kongo to Belgium.*

Between Belgium, represented by ———, acting under reserve of approval by the legislature, and the Independent State of the Kongo, represented by ———, the following is agreed upon:

ARTICLE 1.

The first article of the treaty of annexation of the 28th of November, 1907, does not apply to the foundation of the Crown as defined in No. IV of Annex A of the treaty; the provisions embodied in the document joined to the Annex A under numbers 23, 24, 25, 27, 29, and 31 are abrogated.

ARTICLE 2.

No. IV of Annex A to the treaty relative to the reservation of properties in favor of the foundation of the Crown is abrogated.

The properties which have hitherto been held under the name of foundation of the Crown will, in case of the adoption of the treaty, be ceded to the private domain of the State, conformably to a decree of March 5, 1908, hereto annexed, without putting into force the clause stipulated for their purchase in article 7 of the convention of December 22, 1906.

This cession is encumbered with the charges indicated in the annexes of the aforesaid decree of March 5, 1908.

ARTICLE 3.

Moreover, that which follows has been agreed upon:

The Belgian State assumes the payment of all sums due by the foundation of the Crown, when such obligations have been undertaken in the interest of Belgium, as set forth in Annex III of the present convention.

The obligations enumerated in Annex II will fall upon the colony.

The sums at present due, either by Belgium or the colony, will be immediately liquidated.

ARTICLE 4.

The Belgian State will take the place of the Foundation of the Crown as to the rights and all the obligations assumed by it for the conclusion of works

now pending in Belgium and for those enterprises which may have been contracted for. These different works are enumerated in Annex V.

A special fund of 45,000,000 francs is created and shall be directed to the payment of these works under the supervision of the court of accounts.

There is established, moreover, a special fund of 50,000,000 francs to be met by the colony. This fund will be placed at the disposition of the King, in token of gratitude for his great sacrifices in favor of the Kongo, created by him.

This will be paid to him in fifteen annual installments, the first of 3,800,000 francs and each of the fourteen others of 3,300,000 francs.

This fund will be employed by the King for Kongo affairs and different works in favor of the Kongo, or the improvement of the welfare of the natives and for the advantage of the whites who have rendered good service in Africa, and whatsoever part shall not have been expended at his decease will be at the disposition of his successors.

#### ARTICLE 5.

The revenues and the expenses pertaining to the Foundation of the Crown will, in case of annexation, pass to the account of the State on March 15, 1908.

In witness of which the respective plenipotentiaries have signed the present act and affixed their seals.

Made in duplicate in Brussels the 5th day of March, 1908.

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[Inclosure to dispatch No. 306—Translation of inclosure No. 1.]

#### *Decree suppressing the foundation of the Crown.*

LEOPOLD II, KING OF THE BELGIANS,

Sovereign of the Independent State of the Kongo.

*To whom it may concern, greeting:*

Referring to our decrees relative to the foundation of the Crown and particularly to those of March 9, 1896, December 23, 1901, December 21, 1906, and June 21, 1907, and especially to article 7 of decree of December 23, 1901, which is as follows:

"If the present foundation should cease to exist, or if the clauses and conditions arranging for the utilization of the property with which it has been endowed shall not be respected, this property will revert in full right and be returned to the founder or will be applied to the liquidation of the obligations owed by it to institutions, juridical persons, or to public Kongolese and other establishments which the founder may designate."

Upon the advice of our Secretary of State, we have decreed and decree:

#### ARTICLE 1.

From this date, the juridical person of the foundation of the Crown having ceased to exist, in conformity with article 4 of the treaty of November 28, 1907, Belgium will assume the right of sovereignty over the territories of the Kongo.

The property with which we have endowed it will revert to us.

#### ARTICLE 2.

On the date fixed in the preceding article the property hereinafter enumerated will be, through the present decree and in consideration of the additional act of March 5, 1908, ceded by us to the State:

1. All the vacant lands in the basin of Lake Leopold II and of the River Lukenie.

2. All the vacant lands in the basin of the River Busira-Momboyo.

3. All the vacant lands comprised in the following limits: From the west, the line of convergence of the Lubefu with the Sankuru, then from this point to the upper line of the basin of the Lukenie; to the southwest and to the south, the right bank of the Lubefu and the fifth parallel south; to the east, the upper western line of the waters of the Lomani, between the latter parallel and the third parallel south.

4. The mining district of the Aruwimi basin, of that drained by the tributaries on the left of the Uele-Kibali, excepting lands previously conceded. The blocks of land of 20,000 hectares each in the lower Kongo (Mayumbe), of which mention is made in the decree of May 5, 1906, are not included in the present session.

ARTICLE 3.

The immovable properties enumerated in Annex I, paragraph 1, are on the same date ceded by us to the State, the usufruct being reserved to us.

The improvements and immovable properties enumerated in the same annex, paragraph 2, are ceded without conditions.

The improvements and immovable properties enumerated in paragraph 3 are not included in the present session.

ARTICLE 4.

The assets of the Foundation, including the following stock, is also ceded:

One thousand shares of capital stock fully paid up, 1,000 shares of dividends, and 580 shares of capital stock paid up to 40 per cent of the International Forestry and Mining Society of Kongo.

One hundred and eighty shares, each of 1,000 francs, paid up to 10 per cent, of the Society for the Development of the Territories in the Basin of Lake Leopold II.

ARTICLE 5.

All the buildings and installations existing in the territories above mentioned, as well as the material, the products, and the furniture, are also ceded to the State.

ARTICLE 6.

The cession of property above mentioned is encumbered with the charges indicated in Annex II.

ARTICLE 7.

The expenses already made or to be made by the Foundation for the profit of the State and the contracts indicated in Annex III will be met by the State.

The State will guarantee the respect of the concessions made by the Foundation, as set forth in Annex IV, to third parties.

ARTICLE 8.

The property referred to in articles 2, 3, 4, and 5, ceded to the State in conformity with article 1, will be definitely acquired, notwithstanding any legal provisions to the contrary, and, by virtue of this cession, the Foundation is discharged from all obligations to the State.

ARTICLE 9.

Our Secretary of State is charged with the execution of the present decree. Given at Brussels, March 5, 1908.

(Signed) LEOPOLD.

No. 45.

*Minister Wilson to the Secretary of State.*

No. 308.]

AMERICAN LEGATION,  
Brussels, March 10, 1908.

SIR: Referring to my No. 306, with which are transmitted copies and translations of the amended treaty of annexation of the Kongo, the "exposé des motifs" of the ministry, and the royal decree sup-



pressing the Foundation of the Crown, I have the honor to advise the department that the results secured through the conclusion of this convention would appear to be such as should satisfy international opinion and allay the opposition which existed in Belgium to the project of annexation as conceived by the original treaty.

The celebration of this treaty and its subsequent ratification by the Belgian Parliament will assure two definite and important results, which stand out clearly in the foreground.

First, the Domain or Foundation of the Crown—which is only another name for the régime implanted by the King in the Kongo, which, it is alleged, is responsible for the conditions which have provoked international protest and action—is suppressed, and the Sovereign's autocratic rule of these regions, through a system of secret bureaucracy, is ended.

Second, the Government of the Kongo, through a responsible ministry with parliamentary control of the budget, in accordance with a colonial law framed under the pressure of an active and vigilant Belgian, as well as international opinion, should make it certain that these regions, with the native population and vast natural resources, will be ruled and administered in harmony with the beneficent prescriptions of the Berlin and Brussels acts.

Assuming that the treaty of annexation will be approved by Parliament, the first of these objects has been attained, and from the constitution of the committee of seventeen, and the evident temper of the dominant majority in Parliament—which has doubtless been quickened in its conscience by the influence of public opinion in America and England—the second will not be long delayed.

It does not appear to me that the terms upon which Belgium acquires the Kongo are of great importance from an international standpoint.

These are considerations which it would appear have to do only with Belgian interests. Our interest in the Kongo question being purely humanitarian in character, we have been concerned only in the abolition of the régime which is held to be responsible for conditions repugnant to civilization and to the humanitarian spirit of this age, and in the substitution therefor of constitutional government to be interpreted and executed in a spirit of benevolence and humanity.

There was some dissatisfaction with the treaty when it was first laid before Parliament, owing to the apparent intention to give the King absolute control of the expenditure of the \$10,000,000 voted to him in recognition of his work in the Kongo.

This objection, however, was met by a declaration of the prime minister that each annual installment of this sum was to be approved upon by Parliament, in accordance with the Belgian constitution.

I am of the opinion that the treaty, as now submitted, will receive a substantial majority in Parliament, and that future consideration of the Kongo question will relate to the character of the colonial law.

I have, etc.,

HENRY LANE WILSON.

No. 46.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, March 19, 1908.*

Ambassador Reid telegraphs 18th British foreign office will soon give memorandum to minister in Belgium urging upon Belgian Government caution against taking over property from King under any guaranty of concessions which might be contrary to rights of the treaty powers and to make no calculations on revenues that can only be derived from forced labor. Will have their minister communicate on these points with you and hopes for concerted action. British Government will publish facts concerning forced labor in parliamentary document.

You will telegraph fully whatever overtures or proposals your British colleague may make to you. The instructions you have already received amply define our position, which, as you have already been told, is not in all respects identical with that of Great Britain because resting on other treaties than hers.

Root.

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No. 47.

*Consul-General Smith to the Acting Secretary of State.*

No. 21.—Confidential.]

AMERICAN CONSULATE-GENERAL,  
*Boma, March 21, 1908.*

SIR: I have the honor to inclose herewith a report on the political conditions of the upper Ituri district.

In reference to this report, and for your further information, I beg to say the upper Ituri district is comprised within the region situated to the northeast of Stanleyville and west of Lake Albert in the basin of the Ituri and Aruwimi rivers.

In this region, which is exploited directly by the State, the Fondation de la Couronne has reserved to itself the rich mining district in the basin of the Aruwimi, where are located the gold mines of Kilo. Other mines are located at Panga in the same district, the gold being mostly alluvial. Exportations of gold from here in 1906 amounted to about \$165,000, all of which would be for the account of the Fondation de la Couronne; or, in other words, for the King.

I have the honor to call your particular attention to the conditions brought about by the excessive rubber tax imposed on the unfortunate natives in this district. The similarity between these conditions and those existing in the region visited by myself are worthy of note. It is no uncommon thing for the rubber gatherers to be eaten by leopards, which abound in many regions of the State, and I well recall the case of a native who had been thus eaten and whose remains—what was left of them—were brought to the state post at Yambata

while I was there. The so-called police expeditions mentioned in the report are nothing more than armed raids for nonpayment of rubber taxes and for the purpose of securing laborers to work on the railroad from Kindu south to Portes d'Enfer.

I would further call your attention to that part of the report regarding the working of the Kilo mines by forced labor. This system is plainly contrary to the law, which provides (decree 3d June, 1906) for the recruitment of workmen for works decreed as being of public utility. I fail to see how the development of a gold mine for the personal benefit of the King can properly be called a work of public utility. The protest of the state's attorney, however, as is noted in the report, did not meet with the approval of the higher authorities at Boma, and the practical enslavement of the native continues.

In forwarding this report I have the honor to say that the information given therein was communicated confidentially to the \_\_\_\_\_ consul-general here, and by him in the same manner to me. Our informant, \_\_\_\_\_, expects to return to the Kongo at the expiration of his leave, and the information he gives is not, therefore, for publication, but solely for your information. \_\_\_\_\_ is described as a serious, intelligent, and well-balanced man, and his information, consequently, worthy of full faith and confidence.

I have, etc.,

JAS. A. SMITH, *Consul-General*.

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[Inclosure.]

#### INFORMATION ON POLITICAL CONDITIONS IN THE UPPER ITURI DISTRICT.

Confidential.]

The territory to the north of the line Medje, Nepoko, Kilo, as far as Uele River, has never been subdued. It is inhabited by the belligerent tribes of the Medje, Mokudu, and Bafuasoma, who have never paid, nor do now, taxes to the State. This territory, however, has never been placed under the "régime militaire" (martial law), but, in accordance with the terms of the decree of June 3, 1906, so-called police expeditions are constantly being made into the district by the authorities. These expeditions, in some of which \_\_\_\_\_ was present, are conducted with the greatest energy; entire villages are burned and the few prisoners taken are chained together by the neck and sent to forced labor on the railroad now building south from Kindu to Portes d'Enfer.

The rest of the region comprised in the upper Ituri district, and which formerly paid taxes in rubber to the State, has revolted, the natives refusing to gather any more rubber. The tax on rubber has been a collective one, the villages furnishing a given quantity monthly, based upon the number of inhabitants.

The remuneration granted by the State to the natives for the rubber delivered is 25 centimes (5 cents) per kilogram and paid in Turkish fez. During all the time of his stay in this district \_\_\_\_\_ saw no other merchandise distributed among the natives and the state posts had no other class of goods.



To furnish the monthly rubber tax imposed by the State the natives in this district are obliged to work the entire month. They are frequently obliged to go a distance of fifteen days' march from their villages to find it. No time remains for the native to attend to the cultivation of his garden.

The revolt is a pacific one, being limited to a refusal on the part of the natives to gather rubber. Some of the natives interrogated by \_\_\_\_\_ as to their reason for refusing to pay their taxes replied as follows:

To pay the monthly impost we must go into the forest and work almost the entire month. Leaving for the forest with 50 men, we return with only 25 or 30; the others die of hunger or are eaten by leopards. Our women must bring us our food; no one remains to work our gardens. Upon our return we are at once obliged to leave again for the forest. Therefore, to die of hunger working or die from a shot from an Albinis is the same. Let the soldiers come and kill us, but we will no longer gather rubber.

Profiting by the terms of the decree of June 3, 1906, this region has been declared to be under the "régime militaire," which is renewed every three months by proclamation. This condition, of which no information has up to the present been allowed to escape, has lasted for nearly a year. Justice is in the hands of the military authorities and the region thus left without any control. The Mambuti (pygmies), a most warlike people, patrol the region seeking to create an armed uprising of the other natives, but with little or no success. Besides being most impressive, said \_\_\_\_\_, this peaceful revolt is truly pitiful. It is a people living continually in a state of slavery, not daring to rise in arms, but, tired of suffering, preferring death rather than life without hope.

In the upper Ituri the work of paddling is not forced and the canoe crews are volunteers. Porterage to Arakubi is done freely by the population; in the other localities it is forced on the people by requisitioning the necessary men from the villages. During the march, arriving at the end of the day's journey, the porters are imprisoned within a stockade with a sentinel at the gate to prevent flight. These porters are paid at the rate of 20 centimes a day, with 5 centimes added for rations; total 25 centimes (5 cents); so that at the end of a day's work twelve porters, to whom would be due 3 francs (60 cents), are given a "doti" (2 fathoms) of white cotton cloth.

The gold mines of Kilo are worked by forced labor. The State, profiting by small revolts, secures the laborers in the Manyema district to the south, and transports them chained together by the neck to Kilo. They are paid, it is true, one "doti" (2 fathoms) of cloth per month, besides food, but every liberty is denied them and they can not abandon their work.

The substitut procureur (assistant state's attorney), de Lichterwalde, arriving at Kilo at the end of 1906, received the protest of all the laborers because they had no contract as the law provides and were kept at forced labor. Mr. de Lichterwalde complained to the district commissioner that this system was contrary to law, and informed him that if within three months the condition of the laborers was not bettered he would proceed against him in the courts. From Boma, however, arrived an order to the *procureur* to suspend all action regarding



the work at Kilo. Mr. de Lichterwalde left shortly afterwards for Europe on leave and has not returned. To-day the condition of the laborers at Kilo is the same as in 1906.

JAS. A. SMITH, *Consul-General*.

BOMA, *March 19, 1908.*

No. 48.

*The British Ambassador to the Secretary of State.*

No. 65.]

BRITISH EMBASSY,  
*Washington, March 23, 1908.*

SIR: I duly forwarded to His Majesty's Government the copy of the report on conditions in the Kongo State by the American consul-general at Boma kindly supplied by the United States Government in response to the request of this embassy.

I am now directed by His Majesty's Government to inform you that they are very sensible of the advantages attaching to the co-operation of the United States Government in their efforts to bring about a more satisfactory state of affairs in the Kongo—and I am to add an expression of their cordial thanks for the communication of Mr. Smith's report and the consent given to the publication of extracts from it in the papers to be submitted to Parliament.

I have, etc.,

JAMES BRYCE.

No. 49.

*Minister Wilson to the Secretary of State.*

No. 312.]

AMERICAN LEGATION,  
*Brussels, March 25, 1908.*

SIR: I have the honor to report that the Belgian premier, Mr. Schollaert, in response to an interrogatory submitted in the committee of seventeen by Mr. Hymans, leader of the Left, has made public the following statements:

The French Government has declared to us that it is prepared to confirm the agreement entered into between France and Belgium on February 5, 1895, on the subject of the right of preemption (*préférence*) over the Kongo possessions. Signatures of this new agreement will be exchanged simultaneously with the settling of the Shiloango question and that of the tariffs between France and the Kongo Free State.

The Government also added, in the way of explanation, that the questions of the delimitation on the frontier on the Shiloango and that of the fixed tariff of the Kongo railway have been under negotiation between the French Government and the Kongo government, and that these negotiations would be continued by the Belgian Government.

I have, etc.,

HENRY LANE WILSON.

No. 50.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Brussels, March 26, 1908.*

The colonial law, carrying with it Kongo annexation bill, adopted by practically unanimous vote of committee of seventeen. The bill is now before the house.

Parliamentary control is assured and provisions safeguarding welfare of native races in harmony with Berlin and Brussels acts are included.

The bill will be adopted.

WILSON.

No. 51.

*Minister Wilson to the Secretary of State.*

No. 316.]

AMERICAN LEGATION,  
*Brussels, March 26, 1908.*

SIR: Referring to the department's cablegram of March 19, I have the honor to report that until this time the British legation at Brussels has received no instructions of the kind referred to therein.

Should the British minister submit any propositions for a concerted action to me, I will immediately cable them fully.

I have, etc.,

HENRY LANE WILSON.

No. 52.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Brussels, March 30, 1908.*

The instructions to the British minister referred to in the department's cablegram March 19 have been received here and copy has been furnished me. The instructions do not seem to contemplate concerted action, but express a hope that we will give support.

The instructions bear upon three important points: First, relief of natives from excessive taxation; second, the grant to natives of sufficient lands to insure sustenance and sufficient produce to enable them to buy and sell as in other European colonies; third, the right of traders of all nationalities to acquire plots of land for factories and trading posts. The accompanying argument expresses apprehensions relative to the possibility of fully executing the provisions of Berlin and Brussels acts in the concessions, the integrity of which is

stipulated in the treaty of annexation. To prevent future abuses it is suggested that a staple currency be established; that natives should not be compelled by direct or indirect means to render labor without remuneration; that large increases be made in land allotments to natives. Incidentally, assurance is requested that British missionaries, settlers, and merchants will be able in future to acquire plots of land in reasonable quantities in any part of the Kongo Free State.

I am forwarding copy of the instructions by open mail.

WILSON.

No. 53.

*Chargé Carter to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, March 31, 1908.

I am sending by fast steamer to-day a copy of Sir Edward Grey's instruction to British minister at Brussels, dated 27th instant,<sup>a</sup> in which he explains British Government's view of the treaty obligations of the Kongo Free State; also what, in their opinion, is required to bring the administration of that State into harmony with these obligations.

British minister at Brussels is directed to communicate this instruction to Belgian minister for foreign affairs, after consultation with Wilson.

CARTER.

No. 54.

*Chargé Carter to the Secretary of State.*

No. 567.]

AMERICAN EMBASSY,  
London, March 31, 1908.

SIR: I have the honor to inclose herewith a copy of a note which I have received from the foreign office, of this date, together with a copy of the dispatch from Sir Edward Grey to the British minister at Brussels, to which it refers.

It will be observed that Sir Edward Grey states in his note that the memorandum referred to in his instruction to His Majesty's minister at Brussels is not yet complete, but that a copy will be communicated to me as soon as it is ready. In the meanwhile, Sir Arthur Hardinge has been directed to take action on the dispatch without waiting for the memorandum.

I have, etc.,

JOHN RIDGELY CARTER.

<sup>a</sup> See British print "Africa," No. 3, 1905, ed. 4135, p. 113.

[Inclosure.]

*Mr. Langley to Chargé Carter.*

No. 10672/08.]  
Pressing.]

FOREIGN OFFICE, *March 31, 1908.*

SIR: With reference to the conversation which I had with the United States ambassador on the 18th instant respecting the views of His Majesty's Government with regard to the annexation of the Kongo by Belgium, I have the honor to transmit to you, in accordance with the promise I then made, copy of a dispatch which I have addressed to His Majesty's minister at Brussels for communication to the Belgian minister for foreign affairs.

The memorandum referred to in that document is not yet completed, but Sir A. Hardinge has been instructed to take action on my dispatch without waiting for it, and a copy will be communicated to you as soon as it is ready.<sup>a</sup>

I have, etc.,

W. LANGLEY,  
(For Sir Edward Grey.)

[Inclosure.]

No. 35.—Africa.]

FOREIGN OFFICE, *March 27, 1908.*

SIR: With reference to my dispatch No. 23, Africa, of March 5, I have to inform you that His Majesty's Government consider that the recent communication respecting the Kongo question made to them by the Belgian Government through Count Lelaing makes it desirable for them to offer some observations to explain what is their view of the treaty obligations of the Kongo State, and what in their opinion is required to bring the administration of the State into harmony with these obligations.

His Majesty's Government have received with much satisfaction the assurance of the Belgian Government that they recognize that, after annexation, the territory of the Kongo State will remain subject to the provisions of the Berlin and Brussels acts. To these His Majesty's Government would add the provisions, so far as they are concerned, of the Anglo-Kongolese convention of 1884. His Majesty's Government have every confidence in the earnest desire of the Belgian Government to introduce thorough and far-reaching reforms into the present system of administration in the Kongo, and they are therefore particularly anxious to maintain an attitude of strict forbearance and to abstain from any act which might be construed as interfering with the complete liberty of action of the Belgian Government in the future management of the internal affairs of the Kongo. His Majesty's Government fully recognize that the choice of the means by which the administration of the Kongo may be brought into line with the Berlin act rests exclusively with Belgium. Nevertheless, while disclaiming all idea of interference, His Majesty's Government feel that in fairness they should leave the Belgian Government in no doubt that in their opinion the existing administration of the Kongo State has not fulfilled the objects for which the State was originally recognized or the conditions of treaties, and that changes are therefore required which should effect the following objects:

1. Relief of the natives from excessive taxation.
2. The grant to the natives of sufficient land to insure their ability to obtain not only the food they require, but also sufficient produce of the soil to enable them to buy and sell as in other European colonies.
3. The possibility for traders, whatever their nationality may be, to acquire plots of land of reasonable dimensions in any part of the Kongo for the erection of factories, so as to enable them to establish direct trade relations with the natives.

The accompanying memorandum gives a résumé on the subject of taxation. It takes for its basis the conclusions of the Commission of Inquiry, as set out in their report of 30th October, 1905; dwells on the assurances given by the secretaries-general in their report to the King Sovereign when submitting for His Majesty's approval the reform decrees of June 3, 1906, and finally compares those assurances with the actual operation of the new decrees as reported by His Majesty's consular officers. A perusal of that document can not fail to



make it clear that, although cases of actual cruelty have largely ceased, the burden of taxation remains as oppressive as ever. It amounts, in fact, to a system of forced labor differing in name only from slavery, and can not in the opinion of His Majesty's Government be reconciled with Article VI of the Berlin act.

As regards point 2, His Majesty's Government have learned with some apprehension the intention of the Belgian Government, as it appears from the treaty of annexation, to respect in their entirety the rights of the concessionary companies.

They assume that the entire *Domaine Privé* and the territory hitherto known as the *Domaine de la Couronne* will pass to the Belgian Government, and that the latter will be free in these territories to introduce whatever measures of reform they think necessary, not only for the protection of the natives but for insuring the freedom of trade, one of the objects for which the act of Berlin was framed.

If the concessions are to be maintained it will probably be found more difficult to introduce adequate changes into the system of administration, because the reforms to be introduced must necessarily apply throughout the State, the whole territory being equally subject to the provisions of the Berlin act.

The concessionary companies now cover, roughly speaking, three-fifths of the entire territory of the Kongo State. The object of their concessions is chiefly rubber, an article which represents on a yearly average 85 per cent of the total exports of the country; and so long as the concessions are worked upon the same conditions as at present it is difficult to see how the complete freedom of trade which is guaranteed under Article I of the Berlin act can possibly exist, for the condition of the native in those areas will be such as to preclude the possibility of his acquiring any material wealth beyond the minimum necessary for the bare support of life, since he will continue to be debarred from enjoyment of the fruits of the soil. Such conditions not only present an insuperable obstacle to any trade relations with the population of the larger portion of the Kongo, but they fail to meet the requirements of Article VI of the Berlin act, under which the signatory powers pledge themselves to provide for the improvement of the natives' moral and material well-being.

Moreover, the areas which were formerly comprised in the concessions of the *Abir* and *Anversoise* companies must be treated as on the same footing as the areas in the concessions of the existing companies. Although those companies have ceased to exploit their concessions themselves, according to the conventions between them and the State (annexes 13 and 14 to the treaty of cession), the latter bind themselves to hand over the produce in rubber to the former at Antwerp at a fixed rate. The produce of these areas may therefore be said to be already disposed of in advance. His Majesty's Government understand that according to the treaty of cession the Belgian Government bind themselves to respect this arrangement, and they must therefore conclude that the condition of affairs within these areas will be similar to that in the other concessions.

With so large an area of the Kongo State subject to the concession system His Majesty's Government can not help feeling that no real improvement will be effected in the state of affairs unless there is a radical alteration of the economic system of the territory.

His Majesty's Government can but repeat that they are well aware that it is outside their province to define the reforms that should be adopted in the Kongo, but as they have good reason to believe that both Governments are on this question animated by the same spirit, they venture to suggest the following measures, as they believe that their adoption would effect a marked improvement in the conditions prevailing in the Kongo. They trust that these suggestions will be welcomed by the Belgian Government in a friendly spirit and receive that measure of consideration which the gravity of the situation requires.

Taking the three points enumerated above in order it appears to His Majesty's Government that (1) as regards the question of taxation in labor, the abuses to which the system has given rise have only been rendered possible by the absence of a proper standard of value. They believe, therefore, that the only sure and efficacious means of precluding the existence of such abuses in the future is the introduction of currency throughout the State at the earliest possible date. Both the reports of the commission of inquiry and the experience of His Majesty's consular officers agree in the conclusion that the native has learned the use of money and that currency would be welcomed by all classes, native and European alike.

Secondly, the natives in the concessionary areas should not be compelled by either direct or indirect means to render their labor to the companies without remuneration. The introduction of currency should contribute greatly to the protection of the native against the illicit and excessive exactions on the part of private individuals. Such protection can not, however, be adequately secured unless the latter be compelled to pay the native in specie at a fair rate, to be fixed by law.

Thirdly, they would urge that a large increase should be made in the land allotted to the natives.

In fixing the amount due regard should be had to the system of land tenure in vogue among them. From the reports which I have received from the British consular officers it would appear that individual property can scarcely be said to exist, while collective property would seem to be the rule. The natives of the Kongo are not precisely nomadic and seldom migrate outside what may be called their tribal areas, but as the rotation of crops and the use of manure are unknown the yield decreases after three or four years' cultivation, and the natives are obliged to shift the site of their villages and clear and plant new lands.

If allowance is to be made for these practices the allotment of land to the natives should be made on a liberal scale, and the natives should be allowed to keep for themselves all the products of their land, whether they are the result of cultivation or not. In the opinion of His Majesty's Government, the recommendations of the commission of inquiry on this point, to which practical effect is being given under the decree of June 3, 1906, entitled "Terres Indigènes," are insufficient for this purpose.

The joint effect of these three reforms would go far to ameliorate the condition of the natives in the Kongo, but no such improvement can be looked for unless the introduction of all three is obtained. Little benefit would result from any one of them standing alone.

As already stated, His Majesty's Government merely submit these views for the friendly consideration of the Belgian Government; and if the latter have measures in view other than those above suggested, His Majesty's Government would greatly appreciate any information which could be communicated to them on the subject.

They would also be glad to receive an assurance from the Belgian Government that British missionaries, land settlers, and merchants will be able in the future to acquire plots of land in reasonable quantities in any part of the State, so as to secure to them the advantages that were intended by article 2 of the Anglo-Kongolese agreement of December 16, 1884.

It had been the intention of His Majesty's Government to claim, in accordance with the rights guaranteed to them under Article XII of the Berlin act, that an arbitration should take place to determine whether the land and trade systems now in force in the Kongo Free State are consistent with the first and fifth articles of that instrument, which enact that trade is to be free and monopolies to be prohibited. As His Majesty's Government have now every reason to hope that the State will be annexed in the near future by Belgium, they prefer to postpone any question of arbitration, and to discuss the situation with the Belgian Government in a frank and friendly spirit.

You should inform your United States colleague of the action which you are instructed to take, and express the hope that he will give his support. You may, if he desires it, give him a copy of this dispatch.

I am, etc.,

E. GREY.

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No. 55.

*Minister Wilson to the Secretary of State.*

No. 318.]

AMERICAN LEGATION,  
Brussels, March 31, 1908.

SIR: I have the honor to transmit herewith the copy of the instructions of the British Government to its minister here referred to in my telegram of March 30.

This copy was handed to me in duplicate on the evening of the 29th, and at the same time Sir Arthur Hardinge informed me that he intended to leave a copy with the Belgian minister for foreign affairs not later than Tuesday, the 31st.

A concerted action under these circumstances was of course impossible, but if the department considers that there is legitimate cause for further expression of our views an independent representation can be placed in the hands of the Belgian foreign office before the closure of the discussion.

The department will observe that, while the underlying note of the instructions bears upon the execution of the humanitarian prescriptions of the Berlin and Brussels acts, British commercial interests are not overlooked.

Perhaps I should call the attention of the department to a fact which is not alluded to in the instructions to Sir Arthur Hardinge, viz, that in some of the most important concessions (see annex to treaty) a majority of the stock will be held by the Belgian Government.

I regret that I am unable at this time to furnish the department with a copy of the colonial law as reported by the committee of seventeen. Official copies are yet not available, though it may be possible to obtain them this week.

I have, etc.,

HENRY LANE WILSON.

NOTE.—For inclosure see No. 35 of March 31, 1908, from London.

No 56.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, April 1, 1908.

Your telegram of 30th. Your recital of instructions received by your British colleague suggests that they are in the line of the desire and expectation of the United States that the conditions of the Kongo annexation shall be such as to benefit the natives, relieve them from onerous burdens, increase the commercial and residential privileges of foreigners, and generally carry out the stipulations of existing treaties to which the United States is a party. You may independently and coincidently express our views in the same sense as Great Britain does.

ELIHU ROOT.

No. 57.

*Minister Wilson to the Secretary of State.*

No. 319.]

AMERICAN LEGATION,  
Brussels, April 1, 1908.

SIR: I have the honor to transmit herewith the following correspondence exchanged between this legation and the Kongo foreign



office relative to the right of American Christian missionaries to purchase or lease lands in the Kongo State territories for missionary or school sites:

1. Copy of my note of March 16, sent after the receipt of the department's cablegram of March 12.
2. Copy of reply thereto, dated March 18.
3. Translation of No. 2.
4. Copy of my reply to No. 2.

I also transmit (inclosure 5) a copy of the simultaneous note addressed to the Kongo foreign office by the British minister upon the same date with my inclosure No. 1, and a copy of the reply thereto (inclosure No. 6).

The British minister has not yet made his reply to Mr. de Cuvelier's note of March 28, but if I am furnished a copy later it will be transmitted to the department.

The department will note that the language of the correspondence exchanged between this legation and the Kongo foreign office is decidedly vigorous and emphatic, but I believed it necessary to let it be known that we felt a just indignation over the disposition of the Kongo government to evade or postpone the performance of its treaty obligations upon pleas of a frivolous character, and to say in a direct and forcible manner that we can not tolerate the suspension or evasion of the execution of treaty stipulations upon pretexts invented by bureaucratic jurists.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure 1 to dispatch No. 319.]

*Minister Wilson to the Chevalier de Cuvelier, Secretary-General of the Kongo, March 16, 1908.*

MR. SECRETARY-GENERAL: I duly transmitted to Washington your esteemed note of February 7, and am just in receipt of an expression of my Government's views thereon.

My Government was not aware, until its attention was called by the correspondence between your department and this legation, that the right of any class of American Christian missionaries to purchase lands for missionary sites and schools in the Belgian Kongo had ever been questioned, denied, or limited, and it regrets that such clear and definite rights, secured by solemn treaties, must be made the subject of diplomatic correspondence.

The rights of American Christian missionaries are fully set forth and described in the language of articles 2 and 4 of our treaty of amity, commerce, and navigation of 1891, and the guaranties therein contained can not be abrogated, suspended, or delayed.

While I am sensible that our rights, under the existing treaties, will be fully recognized by Belgium, and while I appreciate in some measure the difficulties of affording a satisfactory solution at this period of transition, when the Kongo government is possibly on the eve of being transferred to another power, I must nevertheless beg you to be good enough to give me the formal assurance that in the event the annexation bill now pending before Parliament shall fail of adoption during the present session the consideration and settlement of this question will not be further postponed.

I will be greatly pleased, Mr. Secretary-General, to have a reply to this note at as early a date as convenient.

I avail myself, etc.,

HENRY LANE WILSON.



[Inclosure 3 to dispatch No. 319.—Translation of inclosure No. 2.]

*Chevalier de Cuvelier to Minister Wilson.*

MR. MINISTER: By your letter of March 16, replying to my letter of February 7, your excellency has kindly requested to be clearly informed relative to the intentions of the Government of the Kongo in the matter of the sale of lands belonging to the State, in the event that the treaty of annexation at present pending before the Belgian Parliament should not be adopted during the present session.

I have the honor to advise your excellency that if events should occur as you anticipate the Government of the Independent State of the Kongo would consider that the circumstances to which I referred in my letter of February 7 would be modified, and it would naturally have to examine the measures to be taken that the decrees of June 3, 1903, providing for the sale or lease of lands belonging to the State should be executed without delay.

Your excellency will permit me to add that the diplomatic correspondence which I had the honor to exchange with the legation of the United States has never put in question, nor contested or limited, the rights of American citizens in the Independent State of the Kongo, as stipulated by the treaty of January 24, 1891, and particularly by articles 2 and 4, and that the Government of the Kongo State does not intend to evade any of its international obligations, either in their tenor or bearing.

I avail, etc.,

CHR. DE CUEVELIER.

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[Inclosure 4 to dispatch No. 319.]

*Minister Wilson to the Secretary-General of the Independent State of the Kongo, March 31, 1903.*

MR. SECRETARY-GENERAL: I have the honor to acknowledge the receipt of your esteemed letter of March 28, No. 784-2068, and note with pleasure the declaration contained therein that in the event of the failure of the Kongo annexation bill now pending before Parliament to receive legislative approval, the government of the Independent State of the Kongo will immediately address itself to the execution of the decrees providing for the sale or lease of lands belonging to the State.

I must add, however, Mr. Secretary-General, that the interpretation placed by you upon the correspondence of this legation with the Independent State of the Kongo seems to me at variance with the facts. In no correspondence which I have had the honor to exchange with you has it been either stated or intimated that the Kongo foreign office had placed in question treaty rights of American citizens guaranteed by the convention of 1891.

I may, however, be permitted to call your attention to the fact that the convention of 1891 has now been in force for more than sixteen years, and yet there is undisputed evidence that the agents of the Kongo government have refused—and still continue to refuse—to sell or lease lands to American missionaries for mission or school sites.

As the State is practically the exclusive proprietor of Kongo lands, the refusal of its agents to sell or lease the same to a class of persons specifically mentioned in articles 2 and 4 of the convention constitutes in itself a virtual abrogation of the stipulations therein contained.

My Government is not seeking special privileges at the hands of the Kongo government. It is simply asking for the performance of treaty obligations without reservations or delays.

I avail myself, etc.,

HENRY LANE WILSON.

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[Inclosure 5 to dispatch No. 319.]

*The British Minister to the Independent State of the Kongo.*

BRUSSELS, March 16, 1903.

MONSIEUR LE CHEVALIER: I duly transmitted to His Majesty's secretary of state for foreign affairs the note which you did me the honor to address to me

on the 21st ultimo respecting sites for British Christian missions in the Independent Kongo State, and I reported to him the verbal exchange of views which had taken place between us on this question.

Sir Edward Grey has approved of the stress laid by me on the rights to the acquisition of landed property in the Kongo State guaranteed by it to British subjects under article 2 of the convention of 1884 between Great Britain and the International Association of the Kongo; but in view of the considerations set forth by you he has merely instructed me to require from the Kongo Government a formal assurance that if the annexation bill now before the Belgian Parliament is not passed before the close of its session in May next that Government will without further delay sell to the British missionary societies concerned sites in or near the localities which they have indicated.

I should be grateful, Monsieur le Chevalier, for a reply at your earliest convenience to this note, to which I have the honor to annex a translation, and I avail myself of this opportunity to renew to you the assurance of my high consideration.

A. H. HARDINGE.

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[Translation of inclosure 6 to dispatch No. 319.]

*Independent State of the Kongo to the British Minister.*

BRUSSELS, March 28, 1908.

MR. MINISTER: I have the honor to acknowledge the receipt of the letter which your excellency has been good enough to address me relative to the intentions of the Government of the Independent State of the Kongo in the matter of the sale or lease of domain lands in the event that the annexation bill, at present pending before the Belgian Parliament, should not be adopted before the close of its session in the month of May next.

During our former interviews, when your excellency referred to the postponement of annexation, I answered spontaneously that, in case the event should occur in that way, the Kongo Government, finding the present situation altered, would naturally have to examine the measures to be taken that the decrees of June 3, 1906, providing for the sale or lease of domain lands, should be executed without new delay.

I ought, Mr. Minister, to make reserves upon the interpretation given in your letter to the treaty of 1884 between Great Britain and the Kongo International Association, that article 2, in stipulating for British subjects "the right of residence and establishment" in the territories of the association, as also the right to buy and lease lands, edifices, mines, and forests, does not impose upon the State the obligation of selling to private persons whatsoever lands they may find it convenient to select.

I have, etc.,

CHEV. DE CUVELIER.

[For further British-Belgian correspondence on this subject, see "Africa," No. 2, 1908, cd. 4079.]

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No. 58.

*Minister Wilson to the Secretary of State.*

No. 321.]

AMERICAN LEGATION,  
Brussels, April 3, 1908.

SIR: I have the honor to transmit herewith three copies in the French text of the colonial law, as reported by the committee of seventeen to Parliament.

These copies reached me at the moment of closing this pouch, and I thought it better to forward them without the delay which would result from a translation being made here.

It must be borne in mind that this is a simple committee report, and it may be largely modified in the discussion in Parliament, which begins on the 7th of this month.

A translation of the colonial law, when adopted by Parliament, will be forwarded to the department.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.—Translation.]

Chamber of Representatives.

Session of 1907–1908.

*Plan of Law for the Government of the Belgian Kongo.<sup>a</sup>*

[Text adopted at a second reading by the Commission of Seventeen.]

CHAPTER I.—*On the juridical situation of the Belgian Kongo.*

ARTICLE 1.

The Belgian Kongo has a separate personality from that of the mother country.

It shall be governed by particular laws. The assets and liabilities of Belgium and the colony shall be kept separate.

CHAPTER II.—*The rights of Belgians, foreigners, and natives.*

ARTICLE 2.

All the inhabitants of the colony shall enjoy the rights established by articles 7 (1 and 2) to 16 (1), 21, 22, and 24 of the Belgian constitution, the mention of the “laws” before being completed by “or the decrees” to the before-mentioned articles 9, 10, 11, and 22.

Belgians and foreigners belonging to civilized countries shall enjoy the civil rights established by the laws of the colony, but their personal status shall be governed by their national laws.

Natives of the African race, both of the colony and of neighboring countries, and foreigners who shall be assimilated to them by decree, are subject to the before-mentioned laws and to their national customs, in so far as these are not contrary to the laws and decrees and do not interfere with public order. Certain laws will regulate in a short while all that concerns real rights and individual liberty.

ARTICLE 3.

The governor-general shall watch over the preservation of the native population and the improvement of their moral and material conditions of existence. He shall favor the expansion of individual liberty, the gradual abandonment of polygamy, and the development of private property. He shall protect and favor, without distinction of nationality or religion, all religious, scientific, or charitable institutions and enterprises created and organized for these purposes or tending to instruct the natives and make them understand and appreciate the advantages of civilization.

Christian missionaries, scientists, explorers, their escorts, property, and collections, shall be the object of special protection.

ARTICLE 4.

A permanent commission of seven members shall be formed to watch over the whole territory of the colony for the protection of the natives and the improvement of their moral and material conditions of existence.

The commission shall be presided over by the attorney-general. The other members shall be appointed by the King from persons residing in the territory

<sup>a</sup> Plan of law, No. 281 (session of 1900–1901). Amendments No. 238 (session of 1906–1907) and No. 132.

of the colony who, by the nature of their duties or occupations, appear to be specially qualified for that protective mission. The commission shall appoint its own secretary.

It shall meet at least once a year; its president shall convoke it.

Every year the commission shall make a collective report to the King on the measures to take for the benefit of the natives. This report shall be published.

The members of the commission shall report, even individually, to the officers of the public ministry the abuses and illegalities of which the natives are victims.

### CHAPTER III.—*The exercise of powers.*

#### ARTICLE 5.

The King shall exercise legislative power by means of decrees except as regards matters which are or which shall be regulated by law.

Decrees shall be made upon the proposal of the minister for the colonies.

No decree is in force until it has been made public.

#### ARTICLE 6.

The executive power shall belong to the King. It shall be carried out by means of rules and orders.

The courts and tribunals shall only apply the rules and orders in so far as they are conformable to the laws or decrees.

No rule of general administration or order is in force until it has been made public.

#### ARTICLE 7.

No act of the King shall be effective unless countersigned by a minister, who by that act makes himself alone responsible for it.

#### ARTICLE 8.

No customs tax or duty can be imposed nor any exemption from tax be granted except by decree. The decree shall only be in force after the vote of the budget.

#### ARTICLE 9.

Gold and silver money shall circulate in Belgium and in the Kongo in the same conditions.

A royal decree shall fix the date on which silver money coined by the Independent State of the Kongo shall be removed from circulation and no longer be exchanged by the colonial treasury.

The profit which may be made by the coining of Belgian money necessary for the colony shall be credited to the colonial budget.

The King shall be allowed to coin special copper money for the colony. This money shall not be good in Belgium.

#### ARTICLE 10.

The budget of receipts and expenses of the colony shall be made up each year by law.

At least four months before the beginning of the fiscal year the statement of the budget shall be printed and distributed to the members of the legislative Chambers by the colonial office.

If the Chambers have not voted the budget before the 20th of December of the year preceding the beginning of the fiscal year, the King shall take charge of the receipts, and every three months, until the decision of the Chambers, shall provide the minister for the colonies with the necessary provisional credits.

The King, or in the colony the governor-general, shall order the issue of bills and, in case of urgent need, the necessary supplemental expenses. Within three months the minister for the colonies shall forward a copy of the royal resolution or of the regulation to each of the Chambers. When the resolution refers to supplemental expenses, he shall inclose at the same time a bill of approval.



## ARTICLE 11.

The general account of the colony shall be settled by law, after inspection by the accountant-general's office.

This office shall see if any item in the expense account of the budget has been exceeded and if the supplemental expenses have been approved by the law.

The accountant-general's office shall issue, through the minister for the colonies, all statements of accounts and vouchers and give all information and explanations necessary for the control and expenditure of the receipts.

The general account of the colony shall be sent to the Chambers with the remarks of the accountant-general's office.

## ARTICLE 12.

The colony may only borrow, guarantee the capital or interest of a loan, or carry on works out of its extraordinary resources when authorized by law.

## ARTICLE 13.

Every concession of railroads or mines, and each cession or concession, for any period whatever, of government lands of a superficial area exceeding 10 hectares shall be agreed to or authorized by decree.

During thirty meeting days there shall be deposited on the tables of the two Chambers all projects of decrees, with all vouchers, granting—

(a) Concessions of railroads, mines, mineral lands, or alluvial gold deposits.

(b) Government lands exceeding 25,000 hectares in superficial areas.

(c) Concessions for the possession of government lands if their superficial area exceeds 100,000 hectares or if the concession is granted for more than ten years.

In order to determine the superficial area referred to in lines 1 and 2, account shall be taken of cessions or concessions of government lands by which the interested party has formerly profited.

## ARTICLE 14.

The civil and military courts of justice shall be organized by decree.

Officials in the public service shall discharge their duties under the authority of the minister for the colonies.

## ARTICLE 15.

Regular magistrates shall be appointed and dismissed by the King.

They can only be dismissed on the request of the attorney-general for causes named in the decree and with the acquiescence of the supreme court of the colony.

After a period of probation, which shall not exceed three years, regular magistrates shall be appointed for a term of ten years. At the expiration of this period they shall be pensioned. They can always be pensioned prior to the end of ten years, either at their request if they have served eight years in the colony, including the period of probation, or in case of their inability to properly discharge their duties on account of bad health. In the latter case their being placed on the pension list shall only be decided on with the acquiescence of the supreme court of the colony.

Regular magistrates definitely appointed can not be removed without their consent except in cases of urgent need and by provisional measure. In all cases of removal they shall receive a salary at least equal to that which was attached to their former duties.

Salaries, leaves of absence, and pensions shall be fixed by legislative measure.

## ARTICLE 16.

Executive authority can not prevent, arrest, or suspend the action of the courts and tribunals.

For reasons of public safety, the King can always suspend the repressive action of the courts and civil tribunals and substitute instead military law.

ARTICLE 17.

Justice shall be administered and its sentences carried out in the name of the King.

Hearings in court shall be public, as long as publicity is not dangerous to order and morals; in that case the court shall proclaim it by a judgment.

The grounds for every judgment shall be stated. It shall be proclaimed in public.

The King has the right to remit, reduce, and commute penalties.

ARTICLE 18.

The executive power can delegate the exercise of his sovereign rights only to persons and appointed bodies that are hierarchically subordinate to him. However, until a decree has otherwise provided, prior to January 1, 1910, this shall not detract from the authority conferred by the Independent State of the Kongo on the special committee of the Katanga.

The governor-general of the colony shall exercise the executive power delegated him by the King by means of regulations.

Delegation of legislative power is forbidden. However, the King can authorize the governor-general, in urgent cases, to temporarily suspend the carrying out of decrees and give to regulations the force of law. Regulations having this object shall cease to be obligatory after a period of six months, if they have not been approved by decree before the expiration of this term.

Regulations having the force of law and those of general administration shall only be obligatory after having been made public.

CHAPTER IV.—*The minister for the colonies and the colonial council.*

ARTICLE 19.

A colonial department shall be created.

The minister for the colonies shall be appointed and removed by the King. He shall be one of the council of ministers.

Articles 86 to 91 of the Belgian constitution shall be applicable to him.

ARTICLE 20.

A colonial council shall be formed composed of a president and 14 members. The minister for the colonies shall preside over the council. He has a deliberative vote in it and in case of division a casting vote.

Eight councilors shall be appointed by the King, 6 by the legislative chambers—3 by the Senate and 3 by the Chamber of Representatives. They shall be elected by secret ballot and by a positive majority of votes.

Each year a councilor appointed by the King or a councilor appointed by the chambers shall retire in alternation. Councilors shall retire by rank of seniority; the rank of those who have been appointed the same day shall be settled by lot. Retiring councilors can be reappointed.

The functions of councilor and member of the Chamber of Representatives or of the Senate are incompatible.

Officials of the colonial administration in active service can not be members of the council.

ARTICLE 21.

The colonial council shall consider all questions submitted to it by the King.

Excepting in an urgent case and that mentioned in article 18, the colonial council shall be consulted on all proposed decrees. The projects shall be submitted to it by the King; they shall be accompanied by a statement of the reasons therefor.

The council shall give its opinion, in the form of a statement with reasons therefor, within the period fixed by its organic regulations. The statement shall give the number of opponents as well as the motives for their opposition.

If the proposed decree submitted to the King for signature does not meet with the approval of the council, the minister for the colonies shall add to it a statement of the reasons for their objection.

The statement of the colonial council and eventually the statement of the minister for the colonies shall be made public at the same time as the decree.

Decrees made in cases of urgency shall be submitted to the council within ten days from their date; the causes for the urgency shall be indicated. The statement of the council shall be made public at the latest one month after the communication of the decree.

#### ARTICLE 22.

The colonial council shall demand from the Government all the information it deems necessary in its work.

It can send its recommendations to it.

### CHAPTER V.—*Foreign relations.*

#### ARTICLE 23.

The King shall make treaties concerning the colony.

The provisions of article 68 of the Belgian constitution relative to treaties shall apply to treaties which concern the colony.

#### ARTICLE 24.

The minister for foreign affairs of the Kingdom has among his powers and duties the relations of Belgium with foreign powers on the subject of the colony.

### CHAPTER VI.—*General provisions.*

#### ARTICLE 25.

Decisions made by Belgian courts on civil and commercial matters and arbitral awards executory in Belgium have the authority of *res judicata* in the colony and are rightfully executory there.

Authentic acts that are executory in Belgium are rightfully executory in the colony.

Judgments given in civil and commercial matters by courts sitting in the colony and arbitral awards executory in the colony have in Belgium the authority of *res judicata* and are executory there if they fulfill the following conditions: (1) That the decision does not contain anything contrary to public order or the principles of public Belgian law (2) that in accordance with the colonial law it has become *res judicata*; (3) that in accordance with the same law the copy which is made from it shall embrace the conditions necessary for its authenticity; (4) that the rights of the defense have been respected.

The *exequatur* shall be issued by the civil court of the place where the execution shall be prescribed.

Authentic acts that are executory in the colony are rightfully executory in Belgium.

#### ARTICLE 26.

Whoever is wanted for an offense committed in the colony and shall be found in Belgium shall be tried there by the Belgian courts, in accordance with the colonial penal code, but in the manner prescribed by Belgian law.

The chamber of indictments may send the accused back to colonial jurisdiction, either at his own request or on the requisition of the government attorney; in the latter case the decision must be unanimous. If need be the Chamber shall prolong, for as long as necessary, the duration of the validity of the warrant for arrest.

Whoever is wanted for an offense committed in Belgium and shall be found in the territory of the colony shall be delivered up to Belgian justice in order to be tried in accordance with Belgian laws.

If the Belgian authorities have not requested his extradition, the accused may be represented in the Belgian court by a special attorney.

Decisions given in penal matters by Belgian or colonial courts have the authority of *res judicata* and are rightfully executory there.

However, a person sentenced by the Belgian courts to be imprisoned for at least six months may serve the sentence in Belgium if he requests it.

When a violation of the law consists of acts committed partly in Belgian and partly in colonial territory, it shall be considered, from the point of view of the

jurisdiction, as having been committed at the place where the author has been found.

If there are several coprincipals, some of whom are found in Belgian and others in colonial territory, the Belgian courts alone shall have cognizance.

The court which has cognizance with regard to the principal authors shall have equal cognizance with regard to accomplices.

ARTICLE 27.

In all cases the meaning of judicial and extrajudicial acts intended for persons domiciled or residing in the colony shall be subject in Belgium to the general rules relative to the meaning of acts intended for persons domiciled or residing in a foreign country. However, the minister for the colonies shall intervene, if need be, instead of the minister for foreign affairs.

Reciprocally, the meaning of judicial and extrajudicial acts intended for persons domiciled or residing in Belgium shall be subject in the colony to the general rules relative to the meaning of acts intended for persons domiciled or residing in a foreign country.

Rogatory commissions issued by the competent Belgian or colonial authorities shall be rightfully executory in Belgian and colonial territory.

ARTICLE 28.

Belgian officials and military men who have been authorized to accept service in the colony, both before and after its annexation, shall preserve their seniority and their right to advancement in the administration or arm of the service which they have temporarily abandoned.

ARTICLE 29.

The colony of the Kongo may use the flag and seal used by the State of the Kongo independently of the Belgian flag and seal.

ARTICLE 30.

Decrees, regulations, and other acts in force in the colony shall preserve their obligatory force, with the exception of those provisions which are contrary to the present law and which are abrogated.

ARTICLE 31.

Each year there shall be presented to the Chambers, in the name of the King, a report on the administration of the colony. This report shall be included with the proposed budget.

It shall contain all the information necessary to enlighten the deputies on the political, economical, financial, and moral situation in the Belgian Kongo.

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No. 59.

*Minister Wilson to the Secretary of State.*

No. 322.]

AMERICAN LEGATION,  
*Brussels, April 7, 1908.*

SIR: I have the honor to report that, in compliance with the instructions contained in the department's cablegram of April 1, I to-day called at the foreign office and left with M. Davignon a memorandum (copy inclosed) somewhat upon the lines of the British instructions, but differing in some important particulars.

I have called attention to the objects to which, in the opinion of our Government, reforms should be directed, but have carefully



avoided the suggestion of the *modus operandi* for carrying these reforms into execution.

In delivering the memorandum to M. Davignon, I said to him that it was not to be understood as a new expression of our views, but rather as an ampler and clearer statement of those which I had the honor to verbally make known to him upon the occasion of the interview which he had accorded me in company with the British minister.

I have, etc.,

HENRY LANE WILSON.

[Inclosure to dispatch No. 322.]

*Memorandum.*

The nota pro memoria, re the attitude of Belgium in the event of the annexation of the Kongo, handed this legation on January 29 by His Excellency M. Davignon, was duly transmitted to Washington, and the assurances therein contained of the earnest purpose of the Belgian Government, in the event that the government and administration of the Kongo should be transferred to it, to fully carry out the stipulations and beneficent prescriptions of the acts of Berlin and Brussels, were noted with lively satisfaction.

In the entirely amicable and unofficial representation preceding, and which gave occasion to the note pro memoria, it was not the intention of the Government of the United States to in any way call into question the high and disinterested purposes which, it is satisfied, govern Belgium in the consideration of the question of the annexation of the Kongo territories. On the contrary, the Government of the United States, finding that much is left to be desired in the present administration of the Kongo from the standpoint of the acts of Brussels and Berlin, gladly welcomes annexation, and is firmly convinced that the assumption of the government of these regions by Belgium will be followed by improvement in the condition of the native races, by the development and civilization of the country, and by the liberation of trade and commerce from harmful restrictions.

The Government of the United States, however, feels that as a signatory to the Brussels act it has assumed certain well-defined obligations, which may not be lightly evaded and which at this moment of transition, when the government of the Kongo territories is about to be transferred from one power to another, make imperative a clear, though brief, expression of its views.

The dissatisfaction with the present administration of the Kongo has grown very largely out of its policy toward the native races—a policy which was doubtless not intentionally cruel nor purposely at variance with the acts of Brussels and Berlin, but which, in the opinion of competent investigators, is enslaving, degrading, and decimating the native population. It may be admitted that there has been much exaggeration of the true condition of affairs and that many charges have been refuted, but the fact nevertheless remains that conditions prevail which were neither contemplated nor anticipated when the Independent Kongo State was called into existence by the powers.

The Government of the United States believes that whatsoever power assumes dominion over the Kongo should address itself with reasonable dispatch to carrying into practical execution, in letter and in spirit, the prescriptions of the Brussels and Berlin acts.

In the opinion of the Government of the United States the reforms to be accomplished in the Kongo should have for their object:

1. The exemption of the native population from excessive taxation.
2. The inhibition of forced labor.
3. The possibility of the natives becoming holders, in permanent tenancy, of tracts of land sufficiently large to afford sustenance.
4. To make it possible for traders and settlers of all nationalities to secure unoccupied tracts of land, needed for the prosecution and development of peaceful commerce, at reasonable prices, in any part of the Kongo.
5. The procurement and guaranty of equal and exact justice to all inhabitants of the Kongo through the establishment and maintenance of an independent judiciary.

In calling attention to what, in its opinion, should be the objects of reform in the Kongo, the Government of the United States may be permitted to add, on its own account, that, relying on the stipulations of articles 2 and 4 of the treaty of 1891, it would be especially pleased to see the right accorded to American Christian missionaries to secure reasonable sized tracts of land, when not occupied by the State, in permanent holding, to be used for missionary sites and schools.

The Government of the United States confines itself in this memorandum to pointing out the direction in which, in its judgment, radical reforms and changes are needed. It does not believe that it is incumbent upon it to indicate or suggest to the Belgian Government the modus operandi for carrying these reforms into execution, well knowing the difficulties that must be surmounted and being fully cognizant of the unselfish purposes of the annexing power. Its representations are conceived and made in an entirely friendly spirit and it is hoped that they will receive that measure of consideration from the Belgian Government to which they are entitled by their disinterestedness and by the long and traditional friendship which has existed between the two countries.

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No. 60.

*The British Ambassador to the Secretary of State.*

No. 75.]

BRITISH EMBASSY,  
Washington, April 7, 1908.

SIR: I have received a telegram from Sir E. Grey, instructing me to inform you of the line of policy which he proposes to adopt toward the Belgian Government with reference to the Kongo question.

He states that it is his intention to request the Belgian Government to issue a declaration to the effect that, if the Kongo Free State is taken over by Belgium, their first object will be to put an end to the forced-labor system which has been so fully described in reports sent home by British and United States representatives in the Kongo State.

The Belgian Government have, continues Sir E. Grey, informed His Majesty's Government that they recognize the obligations imposed by the Berlin act. But they have not yet stated whether or not they consider the commercial monopolies established under actual concessions and the general commercial policy adopted by the existing government of the Kongo as inconsistent with the provisions of that act respecting freedom of trade.

Sir Edward Grey proposes, therefore, to ask that if any differences of opinion should arise in respect of commercial as distinct from humanitarian questions the Belgian Government should agree to refer such differences to arbitration.

In explaining the above to you, I am desired to express the hope that if the views of the United States Government prove to be similar to those above outlined they may see their way to supporting the line proposed to be adopted by Sir E. Grey, and that in that event instructions may be telegraphed to the United States minister at Brussels accordingly.

I have, etc.,

JAMES BRYCE.

No. 61.

*Minister Wilson to the Secretary of State.*

No. 323.]

AMERICAN LEGATION,  
*Brussels, April 8, 1908.*

SIR: I have the honor to transmit herewith three copies of the proposed Kongo annexation bill which has just been reported to the Belgian Parliament by the committee of seventeen. I also transmit three copies of the proposed bill for the government of the Belgian colonial possessions reported by the same committee.

I have the honor, etc.,

HENRY LANE WILSON.

NOTE.—Inclosures not printed.

No. 62.

*The Secretary of State to the British Ambassador.*

No. 287.]

DEPARTMENT OF STATE,  
*Washington, April 8, 1908.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 75 of the 7th instant and to thank you for the information therein contained regarding the line of policy which Sir Edward Grey proposes to adopt toward the Belgian Government with reference to the Kongo question.

You inform the department that it is Sir Edward Grey's intention to request the Belgian Government to issue a declaration to the effect that, if the Independent State of the Kongo is taken over by Belgium, their first object will be to put an end to the forced-labor system which has been so fully described in reports sent by United States and British representatives in the Kongo State.

It appears from the information you have received from Sir Edward Grey that the Belgian Government have informed His Majesty's Government that they recognize the obligations imposed by the Berlin act, but that they have not yet stated whether or not they consider the commercial monopolies established under actual concessions and the general commercial policy adopted by the existing government of the Kongo as inconsistent with the provisions of that act respecting freedom of trade.

You add that Sir Edward Grey proposes therefore to ask that if any difference of opinion should arise in respect of commercial as distinct from humanitarian questions the Belgian Government should agree to refer such differences to arbitration.

In response to these views, which you are so good as to make known to the department, I have the honor to state that the department has this day instructed by telegraph the American minister at Brussels to join in representations in the same sense as those proposed to be made by Sir Edward Grey.

I have the honor, etc.,

ELIHU ROOT.

No. 63.

*Minister Wilson to the Secretary of State.*

[Telegram.]

BRUSSELS, April 8, 1908.

Memorandum in the sense of department's telegram of April 1 with minister for foreign affairs of Belgium yesterday.

WILSON.

No. 64.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,

Washington, April 8, 1908.

Referring to and confirming my telegram of the 1st instant, the British ambassador has furnished me with a full statement of the views of the British Government regarding the reform measures necessary to insure good administration in the Kongo, and its doubts whether the commercial monopolies established under actual concessions and the general commercial policy of the existing Kongo government are consistent with the provisions of the Berlin act. Great Britain proposes to ask that if differences of opinion should arise in respect of commercial as distinct from humanitarian questions the Belgian Government should agree to refer such differences to arbitration. These views are doubtless in the possession of your British colleague. Inasmuch as the treaties to which the United States is party stipulate for commercial and residential privileges, we can expect no less favorable treatment than any other power, and should endeavor and assist to bring about equal and just privilege for all. You will in conference with the British minister and in your representations to the Belgian Government support the line proposed to be adopted by the British minister for foreign affairs.

ROOT.

No. 65.

*Consul-General Smith to the Assistant Secretary of State.*

AMERICAN CONSULATE-GENERAL,

Boma, April 9, 1908.

SIR: I have the honor to send you herewith a report in duplicate on the land legislation in the Kongo in its relation to the commercial policy of the State.

In the report which I had the honor to send you on November 20 last I referred to the Government of the Kongo Free State as being essentially a commercial organization and not, in the true sense of the term, an administrative one. The conditions existing in that



part of the country which I visited all went to prove the truth of the conclusion reached. The extent to which the State has succeeded in its efforts to create for itself a vast monopoly of all the natural resources of the territory placed under its control by the signatory powers to the Berlin act, and without regard for the material well-being of the natives or the rights of other powers to carry on a free and unrestricted commerce with the inhabitants of such territory, can, perhaps, best be appreciated by an explanation of the manner in which the entire country is at present divided among a few large concessionary or proprietary companies, in which the State holds in most cases a direct interest, or is exploited en régie by the State itself, and a brief review of the principal decrees which have brought about the conditions as they exist at present, conditions which I do not hesitate to say are essentially opposed to every intelligent conception of what a humane and civilizing administration of a colony peopled by a subject race should aim at creating. As has been well said by my colleague, Mr. Armstrong, the British vice-consul at Leopoldville, in a report to his Government on the result of his observations in the Lake Leopold II district:

I saw nothing which led me to view the occupation of this country in the light of an administration. The undertakings of the Government are solely commercial, with a sufficient administrative power to insure the safety of its personnel and the success of its enterprise; the natives have no time or opportunity to raise or to discuss questions which in normal conditions require the presence and careful consideration of administrators, and therefore the State appears to treat them as negligible quantities.

I have, etc.,

JAS. A. SMITH, *Consul-General*.

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[Inclosure.]

#### LAND LEGISLATION IN THE KONGO AND ITS RELATION TO THE COMMERCIAL POLICY OF THE ADMINISTRATION.

The history of the legislation in reference to the lands comprised within the territory of the State dates back to 1885. On the 1st of July of that year an ordinance issued by the administrator-general declared that no one had the right without title to occupy the vacant lands, nor to dispossess the natives of the land occupied by them; the vacant lands were considered as belonging to the State. This ordinance was followed by the royal decrees of September 14, 1886, which declared that the territory occupied by the natives, under the authority of their chiefs, would continue to be governed in accordance with local usages and customs, and by that of June 8, 1888, establishing the rights of the natives to continue to exploit for their own benefit the mines situated upon land occupied by them. Although the text of the above ordinance and decrees did not define what was to be considered as vacant land, nor that occupied by the natives, a liberal interpretation appears to have been given the provisions contained therein, with the result that the natives suffered practically no curtailment of their rights over their lands and the products thereof. Capital was attracted to the country and Europeans were allowed to take possession of unoccupied lands without previous authorization, becoming full proprietors of the same to the extent of 10 hectares (25 acres) by the small payment of approximately \$20. The policy of the State at that period seemed to aim at the encouragement of free and unrestricted trade with the natives; it limited the extent of land sold or leased to individuals or companies in such manner that competition would result and the native derive a material benefit therefrom.

In 1891, however, the State decided to exploit its own territory—that is, the vacant lands which it had declared in 1885 were the property of the State.

A royal decree of the 21st of September of that year, which was not made public, charged the commissioners of certain districts to take urgent and necessary measures to "conserver à la disposition de l'État" the products of its domain, notably rubber and ivory. This decree would doubtless have been valueless to the State from a pecuniary standpoint without its inevitable consequence—the forced labor of the native to gather the products of the territory. The almost immediate result was the issuance of three circulars by the commissioners of certain districts, as follows: That of the commissioner of the district of Ubangi-Uele (Bangala, 15th December, 1891), which forbade the natives to hunt the elephant unless the ivory was brought to the State; that of the commissioner of the Equator district (Basankusu, 5th May, 1892), prohibiting the native from gathering rubber unless they delivered the same to the State; and finally that of the commander of an expedition to the upper Ubangi River (Yakusu, 14th February, 1892), forbidding the natives to sell or divert to their own profit any part of the ivory or rubber, products of the domain. This circular further provided that any trader who bought of the natives these products, of which the State only authorized the gathering on condition that they were delivered to itself, would render himself liable as a receiver of stolen goods and be denounced as such before the judicial authorities. No sooner did these circulars appear than the trading companies already established in the Kongo protested against this flagrant violation of the Berlin act, the State responding by invoking the principle of its proprietorship over the vacant lands and its absolute right to dispose of the products of its own domain as it saw fit. In substance, this contention is the main line of defense put forward by the State to-day as a justification of its commercial policy. The result, however, of the protest of the trading companies was the withdrawal of the circulars and the issuance of the decree of October 30, 1892, which practically divided the State into three grand zones. In the first the State reserved to itself the exclusive right to exploit the rubber. By the decree of December 5, 1892, it was declared that this portion was to constitute the *Domaine Privé* of the State and be exploited en régie. In reality it formed only a part of the *Domaine Privé*. The ordinance of July 1, 1885, already alluded to, having declared that all the recent lands were to be considered as belonging to the State, the portion thus set aside for exclusive exploitation can properly be described as the "*Domaine Privé stricto sensu*." This is the definition given by Professor Cattier, professor of the University at Brussels, in his work "*Droit et Administration de l'État Indépendant du Congo*." To avoid confusion, and understand the manner in which the territory of the State is at present partitioned, it is necessary to have this definition in mind.

Another portion, the immense territory formed by the basins of the Kongo-Lualaba and upper Lomami rivers, was provisionally reserved, but a part was later absorbed into the "*domaine privé stricto sensu*" and remains closed to private traders, and the balance conceded to the comité de Katanga. In the third zone, comprising the balance of the vacant lands, the gathering of rubber by private parties was authorized. Apparently this provision opened up a large section of the territory in which private parties could everywhere trade freely with the natives in the products of the soil. By the terms of the decree, however, the authorization to exploit rubber was subject to the rights already acquired by third parties, or which might be acquired by them in future through purchase or lease of the domainal lands, provision being made that those who thus acquired lands should be granted the right to exploit rubber within a maximum radius of 30 kilometers around their establishments. On the face of it this provision was designed to encourage the founding of numerous trading houses, with limited areas of land at their disposal for exploitation. In reality, and as events have proved, it was but a mere artifice which did more credit to the business foresight of the Sovereign than to honesty of purpose. No mention was made in the decree of concessions, and, in an official circular issued under date of December 5, 1898, the governor-general was careful to impress upon those interested the distinction necessary to make between the rights of exploitation on purchased or leased lands and those on lands granted in concession. Thus, on the former these rights extended over a maximum of 30 kilometers only, but on the latter they were limited only by the boundaries of such concession, the area of which might be fixed as best suited the purposes of the State. In the section thus set aside for exploitation by private parties was included, notably, the immense Kasai district and the territory to the east of it known as the Kwango district, together with a large part of what is now the *domaine de la Couronne*. This *domaine*,

which was established later on (1896), reduced the free-trade zone very materially. In that the exploitation of rubber and ivory in the whole of its immense territory is reserved exclusively for the benefit of the Crown. In the Kasai district a number of trading houses (14 in all) acquired small parcels of land and commenced trading with the natives, under, however, a veiled system of coercion which it is unnecessary to detail here. In any case the result was a competition which, although beneficial to the native, did not correspond evidently to the royal intention to monopolize to the fullest extent the trade in every product of commercial value. For this reason the State provoked the consolidation of the various trading houses and organized the well-known Kasai company—in which it retains a half interest—with exclusive rights of exploitation of the rubber, ivory, etc., in the immense territory comprised within the Kasai and in portions of the Lake Leopold II district. Other immense monopolistic concessions, always with the State receiving a large interest in the enterprise, were granted.

At the present time the entire territory of the State may be, for the sake of a clear understanding of the existing situation, divided into six sections: (1) *Domaine public*; (2) *domaine privé*; (3) *domaine national*; (4) *domaine de la Couronne*; (5) land acquired by nonnatives (individuals, trading companies, and missions); (6) lands occupied by natives.

1. The *domaine public* comprises the navigable waterways and their banks to a depth of 10 meters (33 feet) from high-water mark, highways, railways, property affected to the public service, fortresses, etc. No part of this *domaine* is subject to private ownership.

2. The *domaine privé* included at the beginning all of the territory within the boundaries of the State. The State at various times has alienated or conceded large areas of its territories to proprietary or concessionary companies for their exclusive exploitation of the products of the soil, and, notably, to the *Fondation de la Couronne*. In June, 1906, a royal decree provided that all the mines not already conceded and all the lands administered *en régie* (*domaine privé stricto sensu*) should constitute the *domaine national*. The *domaine privé* at present includes, therefore, only the vacant lands not exploited *en régie* or which have not been alienated or conceded.

3. The *domaine national*, in accordance with the June, 1906, decree, comprises all the mines and all the lands exploited *en régie* and all the mines not already given in concession.

4. The *domaine de la Couronne* is an immense section of territory alienated from the former *domaine privé*. It is the property of the *Fondation de la Couronne*.

5. Lands acquired by nonnatives are those which have been at one time or another detached from the *domaine privé* and sold, rented, or conceded by the State to individuals, companies, or missionary societies.

6. Lands occupied by the natives comprise only those actually occupied by their villages, or are under cultivation or exploited by them. A decree of June 3, 1906, provided that these lands should be delimited and an area three times the extent of same be granted to the natives for the extension of their cultures. They can not, however, be disposed of to third parties without the express authorization of the governor-general. As a matter of fact the boundaries have, in rare cases only, been fixed, the delimitation, according to the best authorities, having been made of only about 150 villages in all. To the native, therefore, simply remains the right to occupy the land in his village and to cultivate his surrounding gardens. All the rest of the land, and the products of any commercial value thereof, belong to the State, the *Fondation de la Couronne*, and the proprietary or concessionary companies.

On the map annexed to this report the various divisions of the territory are very clearly shown. It is, I am assured, as accurate as any similar map which, in the absence of precise delimitations of river basins, etc., can at present be prepared. I have outlined in blue pencil the district in which the *Fondation de la Couronne* has reserved the exclusive mining privileges.

As has been stated, the *domaine privé* comprises at present only the lands not exploited by the State, or which have not in one way or another been alienated. These, according to the best authorities, comprise only an infinitesimal portion of the territory of the State. In a recent conversation which Mr. Armstrong, the British vice-consul at Leopoldville, had with Doctor Briart, the director of the *Société Anonyme Belge* (S. A. B.), the latter illustrated by means of a map how much of the Kongo was given over to concessionary companies or formed



part of the domaine national exploited by the State, and from this illustration the only part of the country accessible to private individuals was a small strip of country along the north bank of the Kongo River, between, roughly speaking, Nouvelle Anvers and Stanley Falls. Doctor Briart, who has been in the Kongo some twelve or fifteen years, then described how he had been driven out of various parts of the Kongo by the Government, where he had been, in most cases, the first to attempt to trade. He was the first trader to visit the Lake Leopold II country, where he carried on operations for some time—Ubangi, Stanley Falls, Kasai, etc.; and having been ordered to leave each of these districts *manu militari*, he was eventually allotted the Busira and Juapa rivers, where he is still working. I may mention here that the S. A. B. Company, of which Doctor Briart is director, is part proprietor of the section of territory marked No. 1 on the map. This land was granted outright, and I believe very properly, to the builders of the railroad from Matadi to Leopoldville in return for their enterprise in the construction of the road. Here, at least, the State could not invoke its right to the products of the soil and order off the people who desired to purchase them from the natives.

I have attempted in the foregoing to explain as clearly as possible the system of land legislation in its relation to the State's commercial policy from the foundation of the State up to the present time. The subject is a somewhat difficult and complicated one, but the decrees cited are, I believe, the most important and those upon which the land régime of the State is based to-day. The principal points to which I would call your special attention are as follows: The intimate connection between the land legislation and the commercial policy of the State. In a successful attempt to effectually monopolize every product of commercial value the interpretation given to the decree of July 1, 1885, regarding vacant and occupied lands has resulted in depriving the native of every right to the products of the soil outside of his own village, and under the thin guise of taxation he is forced to deliver these products to the State. Incidentally, it may be said here that even the product of his manioc garden (his daily bread) does not really belong to him. He must furnish it as a tax whenever and wherever the State demands it. (See my report of November 20 regarding kwanga tax at various places.) It seems an absurd proposition to deprive an individual of everything of any value which he possesses and then heavily tax him on what has been taken from him, and yet this is what actually occurs in the Kongo. It is called a tax in labor; in effect it amounts to the enslavement of the greater part of the entire population, male and female. With practically the entire territory of the State given over to concessionary or proprietary companies for exclusive exploitation, the *domaine de la Couronne* and the *domaine national* exploited by the State itself, it is clear that under present conditions no opportunity remains for any independent business house to carry on a trade with the natives in the only products of commercial value which the country produces, viz, rubber and ivory. The rights granted to concessionary companies to exploit huge sections of the country mean simply the right to exploit the native. Until such time as the latter is granted the privilege, and without being forced, to freely dispose of the products of the soil to whom and under such conditions as he pleases, no such thing as free trade can exist in the Kongo. This is, I firmly believe, the crucial point in the whole commercial situation. I may add that this privilege must necessarily be accompanied by the right of prospective commercial houses to acquire sufficient land for the establishment of trading centers, stores, warehouses, etc. The privilege of acquiring lands for such purposes has been persistently and systematically refused by the State for many years, evidently because—it being impossible to trace the exact place of origin of the rubber or ivory—the State fears its exclusive monopoly, and that of the concessionary companies in which it is interested might suffer.

I recently addressed to the governor-general here a letter in which I asked a series of questions with the object of ascertaining if it would be possible for an American company to establish itself in various districts of the State for the purpose of carrying on a trade direct with the natives in rubber and ivory, and, if so, if the State would sell sufficient land to permit of the erection of warehouses, stores, etc., in order to enable it to do so. The governor's reply was a vague one, in which he carefully avoided a direct answer to my questions, citing a lot of decrees, etc., with which I was already familiar. In effect, he told me nothing I did not know before. As regards the purchase of land he simply refers me to the decree of June 3, 1906, "*Terres domaniales—Vente et location*," in which it is provided that all sales or leases of land out-



side the domaine national must take place by public auction, a list of such lands placed on sale or for lease to be published annually by the secretary of state at Brussels. No such list has up to the present time been published, and past experience is sufficient to prove that in every case where it has been desired to secure land for commercial purposes the application has been systematically refused.

JAS. A. SMITH, *Consul-General*.

BOMA, April 9, 1908.

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No. 66.

*Ambassador Reid to the Secretary of State.*

No. 582.]

AMERICAN EMBASSY,  
*London, April 16, 1908.*

SIR: With reference to Mr. Carter's No. 567 of the 31st ultimo, relating to the annexation of the Kongo by Belgium, which inclosed a copy of a dispatch on that subject from Sir Edward Grey to the British minister at Brussels, in which reference was made to a memorandum which should have accompanied the dispatch, I now have the honor to inclose<sup>a</sup> herewith a copy of the memorandum in question, which I have received to-day from the foreign office.

I have, etc.,

WHITELAW REID.

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No. 67.

*Minister Wilson to the Secretary of State.*

No. 329.]

AMERICAN LEGATION,  
*Brussels, April 17, 1908.*

SIR: Referring to the department's telegram of April 8, the true reading of which was confirmed in my No. 325, I have the honor to report that on Friday, April 3, the British minister, Sir Arthur Hardinge, informed me that he had been verbally advised of the purpose of his Government to hand in memoranda on the subject of forced labor and the reference to arbitration of purely commercial and economic questions to the Belgian Government, and that he would be glad to know whether we would be inclined to give our support to the proposals therein contained.

I replied that I had just, in compliance with telegraphic instructions received from the department on April 2, handed a memorandum to M. Davignon, which to some extent covered the points contained in the proposed memoranda of the British Government, and that a request for additional instructions, immediately following my telegram reporting the delivery of our memorandum, might possibly lead to confusion.

In order, therefore, that the views of the department might be clearly ascertained, I suggested to Sir Arthur the desirability of having Ambassador Bryce instructed to advise Secretary Root of the purpose to submit the memoranda to the Belgian Government, and

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<sup>a</sup> See Africa No. 3, p. 113.

at the same time to furnish him with a full statement of the views of the British Government relative to these questions.

Acting upon my suggestion, Sir Arthur immediately sent the telegram to London, which doubtless brought about the visit of Ambassador Bryce to Secretary Root and my subsequent telegraphic instructions of April 8.

Upon receipt of these instructions, I immediately sought an interview with Sir Arthur Hardinge, and informed him that I had been instructed to "support the line proposed to be adopted by the British minister for foreign affairs," and that I would be glad to have his views as to the course which should be adopted.

After some discussion it was agreed that on the Monday following Sir Arthur should have an interview with M. Davignon, and hand in his memoranda, and that the presentation of the memorandum from this legation should follow after an interval of three or four days. It was also agreed that in the course of his interview he would advise M. Davignon of the exchange of views which had taken place between the British embassy in Washington and the Secretary of State, and would intimate that in all probability a communication in support of the British propositions would be received from this legation.

In performance of this programme Sir Arthur saw M. Davignon on Monday afternoon, and immediately afterwards sent me a note reporting the substance of the interview.

Yesterday (Thursday, 16th) I visited the foreign office and in the absence of M. Davignon, who was in attendance on the discussion of the Kongo annexation bill in Parliament, I delivered the memorandum (which I had prepared and previously submitted to my British colleague) to the Chevalier van der Elst, secretary-general of the foreign office, after having first verbally informed him of its contents. A copy of the memorandum is herewith inclosed.

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Immediately after this interview I saw Sir Arthur Hardinge, and he advised me of his intention to ask London for immediate instructions relative to the memorandum on the arbitration of commercial and economic questions.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure 2 to dispatch No. 329.]

*Minister Wilson to the Belgian Minister for Foreign Affairs.*

[Memorandum.]

APRIL 16, 1908.

The Government of His Britannic Majesty has recently, through the medium of its ambassador at Washington, advised the American Government of its intention to submit, for the consideration of the Belgian Government, two propositions: First, immediate and effective abolition of forced labor as soon as the Belgian Government shall have annexed and taken administrative control of the Kongo; second, reference to arbitration, where the governments concerned may be unable to agree, of all purely commercial and economic questions arising out of conflicting interpretation of existing treaties.

The Government of His Britannic Majesty, in making known to the Government of Washington its purpose to submit these two propositions to the Government of Belgium, has at the same time begged to be advised of the views of the American Government thereon, and has expressed the hope that, if they

should meet with its approval and concurrence, a conformable expression might be made to the Government of the King.

After a careful study of the propositions, which are understood to be interdependent and taken conjunctively, the American Government hastens to say that it most cordially and unreservedly approves of proposition No. 1, relative to forced labor.

The views of the American Government with reference to the question of forced labor in the Kongo have been so frequently and clearly expressed to the Belgian Government that recurrence to them at this time may be considered superfluous and unnecessarily insistent. Leaving, therefore, to the British Government the task of presenting the arguments in extenso against the continuance of all forms of slavery or quasi slavery in the Kongo, as well as the suggestion of methods for reforming existing evils, the American Government confines itself to the simple request that the Belgian Government, in the event that it shall annex the Kongo territories, will diligently address itself to the execution of the provisions of the Brussels act relative to the native races, especially directing its attention to the prescriptions of articles 2 and 5.

Relative to proposition No. 2, the reference to arbitration of all purely commercial and economic questions, the American Government limits itself at this time to an expression of the hope that the Belgian Government may see its way clear to frankly and promptly accept a proposition so reasonable and so entirely in accordance with the rapidly growing practice of civilized nations.

The American Government, however, may be permitted to say that, while not directly interested in the administrative details of the government of any one of the several districts embraced in the compact of 1890, it yet confidently relies upon the rights secured to it by existing treaties of being accorded all the privileges, commercial and otherwise, accorded in the Kongo to other nations.

The American Government, while thus making known its concurrence with and adherence to the propositions submitted to the Belgian Government by the government of His Britannic Majesty, does not permit itself to doubt that the brief and frank expression of its views will receive the careful attention and consideration of the Government of the King.

No. 68.

*Minister Wilson to the Secretary of State.*

No. 330.]

AMERICAN LEGATION,  
*Brussels, April 17, 1908.*

SIR: I have the honor to report the opening of the discussion of the Kongo annexation bill in the Belgian Parliament on Wednesday, the 15th instant.

The debate was opened by the premier, Mr. Schollaert, who announced the purpose of the Government to encourage an ample discussion of the whole question of annexation and proposed that the additional act of the treaty, the treaty itself, and the colonial law should be voted upon in the order named, in one sitting, after a conclusion of the debate.

The leaders of the opposition having expressed themselves satisfied with this declaration, Mr. Schollaert continued his argument for annexation. He traced the history of the Kongo from 1878 to the present day, alluding to the results obtained by the sovereign's initiative and by the efforts of Belgian soldiers, explorers, and missionaries; he claimed that the Kongo administration of justice compared favorably with that of the central African possessions of other powers. As to the international aspect of the question, he said:

We are firmly decided to fulfill scrupulously all the obligations which result for us from the conventions, and especially from the treaty of Berlin.



He then proceeded to an exhaustive statement of the value of the territories which it was proposed to annex, comparing them with possessions of other powers in Asia and Africa. He said the Government would take steps to enable private persons of all nationalities to acquire lands for the purpose of trade, and that the prices for which large tracts had already been sold to corporations were calculated to allay apprehensions as to the financial aspects of annexation. Much of what followed was devoted to an enumeration of the social and moral advantages which would result from annexation.

Mr. Davignon, the minister for foreign affairs, followed Mr. Schollaert.

He admitted in the course of his remarks that two powers, Great Britain and the United States, had asked how it was intended to apply the provisions of the Berlin act in the matter of international rights and freedom of trade. He said that it was not possible at this time to recount the character of the negotiations, but that the declarations of the premier clearly indicated the intentions of the Government. Mr. Davignon concluded his speech with the following moderate and dignified statement:

The Government will see to it that the taxation falling upon the natives shall be moderate, and Belgium will pursue the realization of reforms of all kinds. No one can doubt the loyalty of our intentions. We have an ideal and nothing shall prevent us from realizing it. We shall know how to respond to the wishes of a nation sincerely eager for colonization, and to justify the confidence of Europe. On various occasions the Chamber has announced its intention of maintaining complete independence and liberty in its votes and the Government realizes that this will be done. No one will be able to doubt our honesty or good faith. The loyalty with which we have fulfilled our engagements in the past is the guaranty of what we shall do in the future in regard to the Kongo.

Mr. Woeste, leader of the extreme Right, spoke at some length, commenting severely upon the English and American reform campaign, and affirming his belief that the object of these intrigues was the defeat of the pending annexation bill.

Mr. Destrée, Socialist, made a rather violent speech, urging an unlimited discussion of the pending question, and threatening the Government with obstruction unless a full expression of the views of the different political parties represented in the Chamber was permitted.

The president of the Chamber announced at the close of the day's discussion that, under an agreement of the majority, the Chamber would meet in regular session every afternoon (except holidays) until May 9 for the consideration of the annexation bill; that after the elections, which occur on May 24, Parliament would be called in extraordinary session at a date fixed some time in June; that if at that time all of the members inscribed for the debate had spoken the vote upon the entire question would be taken at one sitting.

This declaration met with the approval of all the political elements in the Chamber, and it may be therefore safely assumed that the final vote on annexation will be had some time in June or July.

I have, etc.,

HENRY LANE WILSON.



## No. 69.

*Minister Wilson to the Secretary of State.*

No. 334.]

AMERICAN LEGATION,  
*Brussels, April 24, 1908.*

SIR: Since my No. 330, of April 17, there has been—on account of the adjournment of Parliament for the Easter holidays—only a single discussion of the Kongo question.

Mr. de Broxqueville (Catholic Right) spoke at length upon the commercial advantages of the Kongo. He referred to the large amount of private capital invested in the country and stated that eighty-five companies were at present engaged in developing the natural resources of the Kongo basin, and affirmed that their rights should be respected. He admitted that the payment of taxes in labor must continue until a circulating medium could be introduced, but said that it should be the aim of Belgium to change these conditions as soon as possible. He said that all the wealth of the colony would not justify the murder of a single man.

Mr. Bertrand (leader of the Socialist antiannexationists) made a vigorous speech accusing Mr. de Broxqueville and other defenders of the present régime of being personally interested in various Kongo companies. He asked, "What has the Kongo State done with its millions?" "What had works of embellishment to do with the Kongo?" He claimed that the annual deficit would be at least \$3,000,000, and asserted that the stocks and shares belonging to the State, which were valued in December at \$10,500,000, were now worth only \$5,500,000, and that Belgian Government bonds had experienced a heavy fall in consequence of the prospect of annexation.

The Chamber resumed its sittings yesterday, but the debate on the annexation question was unimportant.

I have, etc.,

HENRY LANE WILSON.

## No. 70.

*The Secretary of State to Minister Wilson.*

No. 159.]

DEPARTMENT OF STATE,  
*Washington, April 29, 1908.*

SIR: I have to acknowledge the receipt of your No. 319, of the 1st instant, transmitting official correspondence regarding conditions in the Independent State of the Kongo.

Your course seems to have been in accordance with the department's telegraphic instructions, and is approved. Keeping in touch with the British minister, you will continue to cooperate with him in this matter where the interests of the two governments are identical, though resting on different treaties. The department will await your further reports.

I am, etc.,

ELIHU ROOT.

## No. 71.

*Memorandum handed to the Secretary of State by the Belgian Minister.*

[Translation.]

MAY 7, 1908.

In the memorandum handed on April 7 last to the minister for foreign affairs by His Excellency Mr. Henry Lane Wilson,<sup>a</sup> the Government of the United States was pleased to express its conviction that Belgium's action in taking over the Kongo is one of noble disinterestedness. The King's Government is particularly sensible of this opinion and is glad to note that the Cabinet of Washington looks with satisfaction to the forthcoming annexation of the Kongo by Belgium.

The Government of the United States holds that, as a signatory to the general act of the Brussels conference, it is bound to express its views concerning the existing condition of things in the Kongo, which, although it has been overdrawn, does not meet the expectations of the powers. It points, in this connection, to a series of reforms having for their object the exemption of the natives from excessive taxation and forced labor, the possibility of their owning such area of land as they may need, the granting to foreigners of the right to secure tracts of land for the development of their commercial undertakings, and, lastly, the establishment of an independent judiciary.

As regards the first three points indicated by the Government of the United States, the King's Government has already had occasion to make its views public. Through the chief of the cabinet and the minister for foreign affairs addressing the Senate and the Chamber of Representatives it has announced the measures it proposes to take in favor of the natives. Faithfully voicing the sentiments of the nation, which is deeply imbued with the sense of the civilizing and humane rôle it has to fill in the Kongo, it said that until the use of currency, which the natives are beginning to know, can be made more general among them, the State would see that the taxes be moderate and manual labor equitably recompensed; that it would endeavor to introduce improved methods of cultivation throughout the territory, to settle the negroes, who are still in part nomadic, on lands owned by them and on which they can establish a permanent home, and to enlarge their holdings by very broad and liberal land grants. He added that their commercial aptitudes would be developed and that they would be furnished with the means of bringing them into play through manifold relations with those who bring them the blessings of civilization.

As regards the taxation of the natives, the King's Government feels that its rate must be proportioned to the resources of the taxpayers, so as to remain moderate. It also believes that the tax to be demanded in labor of the native unable to pay in money is but a temporary and provisional measure destined to gradual extinction *pari passu* with the introduction of money, which the King's Government is bent upon favoring to the utmost. This comes to saying that forced labor (if tax payment in that form is meant thereby) is intended to last in the Kongo only within the same bounds and under the same conditions of necessity as it exists in foreign colonies.

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<sup>a</sup> See paper No. 59, p. 97.

In any event the principle of personal liberty laid down in the colonial bill excludes any other form of coercion. The natives can not be compelled, directly or indirectly, with or without compensation, to do work for the concessionary societies, or for any other private concern; labor can only be voluntary and for wages freely agreed upon.

The fourth point indicated by the American memorandum, viz, the acquisition by foreign merchants and settlers of vacant tracts of land to enable them to carry on commercial undertakings, comes within the question of freedom of commerce. The Government of the United States, in its memorandum, brings to mind the assurances it had already received concerning the earnest purpose of the King's Government to act in accordance with the stipulations of the acts of Berlin and Brussels. Belgium ever faithfully kept the international engagements it entered into. As prescribed by the act of Berlin, it will bring the broadest economical régime into operation in its future colony; it will foster in the most liberal measure the expansion of trade and industry without discriminating between nationals and foreigners. It will, as declared to the Chamber of Representatives by the head of the cabinet, see that private persons, whatever their nationality, may acquire such lands as they may need in the conduct of their business or profession.

As to the fifth point contemplated in the memorandum, the establishment of an independent judiciary, it has specially engaged the attention of the King's Government while the colonial bill now before the Belgian chambers was in preparation. The independence and stability of judicial offices are formally guaranteed therein. Furthermore, the State of the Kongo even now has a corps of magistrates much larger in proportion to its territory than any of the other colonies in the conventional basin, and it does not appear that they may be charged with any professional delinquency.

Finally, the wish expressed by the Government of the United States, as its own account, that it might see the right accorded to American missionaries to secure tracts of land to be used for their missionary sites and schools, will find gratification in the Belgian Government's desire to please a friendly power, as well as in its observance of the advantages the Independent State has granted by treaty to the citizens of the United States.

The King's Government gives evidence of its being true to the traditional friendship which binds Belgium and the United States by laying before the American Government, before annexing the Kongo, this statement of its purposes, to the sincerity of which the memorandum paid a merited homage.

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No. 72.

*The Secretary of State to Minister Wilson.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, May 9, 1908.

Mr. Wilson's action, reported his 329, meets with approval this Government, both as to memorandum presented to minister for

foreign affairs and reply regarding treatment our communications as unofficial prior to decisive vote upon annexation and to become official immediately thereafter.

Root.

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No. 73.

*Ambassador Reid to the Secretary of State.*

No. 640.]

AMERICAN EMBASSY,  
*London, June 25, 1908.*

SIR: With reference to my dispatch No. 626, of the 11th instant, I have the honor to inclose<sup>a</sup> herewith, for your confidential information, a copy of a memorandum handed by Sir Edward Grey to the Belgium minister in London on the subject of the affairs of the Independent State of the Kongo, which I have received from the foreign office to-day.

I have, etc.,

WHITELAW REID.

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No. 74.

AFRICA. No. 3 (1908).

CORRESPONDENCE RESPECTING THE TAXATION OF NATIVES, AND OTHER QUESTIONS,  
IN THE KONGO STATE.

[Presented to both Houses of Parliament by command of His Majesty. June, 1908.]

*List of Papers.*

- No. 1. Sir Edward Grey to Sir A. Hardinge, March 5, 1908.
- No. 2. Sir Edward Grey to Sir A. Hardinge (one inclosure), March 27, 1908.
- No. 3. Memorandum communicated by the Belgian minister, April 25, 1908.

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No. 1.

*Sir Edward Grey to Sir A. Hardinge.*

FOREIGN OFFICE, *March 5, 1908.*

SIR: The Belgian minister called here to-day and informed me that the recent debates in the House of Lords and the House of Commons, and the statements made by Lord Fitzmaurice and myself on those occasions had suggested certain observations to his Government, who had instructed him to point out to His Majesty's Government in a friendly way the impression made upon them, as well as the manner in which the present phase of the Kongo question was viewed by the Belgian Government, and the manner in which they considered that question should be viewed in foreign countries.

While recognizing the care with which Lord Fitzmaurice and subsequently I myself had expressed our anxiety not to arouse the susceptibilities of Belgium by direct interference in affairs which exclusively concerned that country, Count de Lalaing said that his Government were bound to admit, not without regret, that our last statements on the subject differed from those we had made previously, and that we no longer seemed ready to leave them to consider at their discretion and in complete freedom of judgment the conditions of the annexation of the Kongo.

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<sup>a</sup> See "Africa, No. 4," p. 150.



By rousing the national sentiment, always so liable in Belgium to become excited at anything resembling in any way pressure from without, His Majesty's Government, without being aware of it, were running the risk of rendering increasingly difficult the task assumed by Belgium, and were running counter to the wish loudly expressed by us on more than one occasion to see Belgium annex the Independent State.

This departure from the attitude of reserve to which His Majesty's ministers had so rigorously adhered at the outset took place at a time when the treaty which was to effect the annexation was on the point of being submitted in its final shape to the representatives of the nation.

Count de Lalaing then proceeded to draw my attention to what the Belgian Government considered to be inaccuracies in the language used by members of His Majesty's Government in speaking of the transfer of the Kongo as only to be carried into effect on conditions satisfactory to Great Britain. It was a matter of great importance, he said, that these inaccuracies should not be allowed to take root abroad.

The Belgian Government had only concerned itself up to the present with negotiating the actual treaty of cession, which was to put an end to the existence of the independent state in favor of Belgium. This was a question which could only be discussed between the Belgian and Kongo governments, and which could admit of no interference from without. That was the first factor in the annexation. The Belgian Government would then, in cooperation with the chambers, elaborate the organic law of the future colony, which would from that time be subject to parliamentary control. This again, however, was a question of internal sovereignty to be discussed between the Government and chambers, and could not properly form the subject of criticism on the part of a foreign power.

Count de Lalaing went on to say that after the annexation of the Kongo had become an accomplished fact, his Government intended to take over all the obligations devolving from the Free State as well as those contracted by Belgium herself in signing the Berlin and Brussels acts. The special régime which those acts set up in the conventional basin of the Kongo would, in fact, be binding upon Belgium in the same manner as it was on all those powers who had possessions in the interior of that basin. The Belgian Government did not, however, admit that they could be required to furnish further information on the decisions they might be led to adopt in this respect.

Count de Lalaing concluded by saying that the Belgian Government and Parliament were on the eve of assuming responsibility for decisions of greater importance than any with which Belgian statesmen had been confronted since the establishment of the Belgian State, and that those decisions would have to be arrived at with all due consideration. His Majesty's Government, whose friendship was highly valued by the Belgian Government, could not contest or doubt the correctness of the Belgian attitude, nor could they better facilitate the annexation of the Kongo, of which they had always declared themselves in favor, than by abstaining from any action which at this critical juncture might interfere with the complete liberty of action of the Belgian Government.

I am, etc.,

E. GREY.

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No. 2.

*Sir Edward Grey to Sir A. Hardinge.*

FOREIGN OFFICE, *March 27, 1908.*

SIR: With reference to my dispatch of the 5th instant, I have to inform you that His Majesty's Government consider it desirable, in view of the conversations respecting the Kongo question which I have had with the Belgian minister, for them to offer some observations to explain what is their view of the treaty obligations of the Kongo State, and what in their opinion is required to bring the administration of the State into harmony with these obligations.

His Majesty's Government have received with much satisfaction the assurances of the Belgian Government that they recognized that, after annexation, the territory of the Kongo State will remain subject to the provisions of the Berlin and Brussels acts. To these His Majesty's Government would add the provisions, so far as they are concerned, of the Anglo-Kongolese convention of

1884. His Majesty's Government have every confidence in the earnest desire of the Belgian Government to introduce thorough and far-reaching reforms into the present system of administration in the Kongo, and they are therefore particularly anxious to maintain an attitude of strict forbearance, and to abstain from any act which might be construed as interfering with the complete liberty of action of the Belgian Government in the future management of the internal affairs of the Kongo. His Majesty's Government fully recognize that the choice of the means by which the administration of the Kongo may be brought into line by the Berlin act rests exclusively with Belgium. Nevertheless, while disclaiming all idea of interference, His Majesty's Government feel that in fairness they should leave the Belgian Government in no doubt that in their opinion the existing administration of the Kongo State has not fulfilled the objects for which the State was originally recognized, or the conditions of treaties, and that changes are therefore required, which should effect the following objects:

1. Relief of the natives from excessive taxation.
2. The grant to the natives of sufficient land to insure their ability to obtain not only the food they require, but also sufficient produce of the soil to enable them to buy and sell as in other European colonies.
3. The possibility for traders, whatever their nationality may be, to acquire plots of land of reasonable dimensions in any part of the Kongo for the erection of factories, so as to enable them to establish direct trade relations with the natives.

The accompanying memorandum gives a résumé on the subject of taxation. It takes for its basis the conclusions of the commission of inquiry, as set out in their report of the 30th October, 1905, dwells on the assurances given by the secretaries-general in their report to the King-Sovereign when submitting for His Majesty's approval the reform decrees of the 3d June, 1906, and finally compares those assurances with the actual operation of the new decrees, as reported by His Majesty's consular officers. A perusal of that document can not fail to make it clear that, although cases of actual cruelty have largely ceased, the burden of taxation remains as oppressive as ever. It amounts, in fact, to a system of forced labor differing in name only from slavery, and can not, in the opinion of His Majesty's Government, be reconciled with Article VI of the Berlin act.

As regards the second point, His Majesty's Government have learned with some apprehension the intention of the Belgian Government, as it appears from the treaty of annexation, to respect in their entirety the rights of the concessionary companies.

They assume that the entire "*domaine privé*" and the territory known as the "*domaine de la couronne*" will pass to the Belgian Government, and that the latter will be free in these territories to introduce whatever measures of reform they think necessary, not only for the protection of the natives, but for insuring the freedom of trade—one of the objects for which the act of Berlin was framed.

If the concessions are to be maintained, it will probably be found more difficult to introduce adequate changes into the system of administration, because the reforms to be introduced must necessarily apply throughout the State, the whole territory being equally subject to the provisions of the Berlin act.

The concessionary companies now cover, roughly speaking, three-fifths of the entire territory of the Kongo State. The object of their concessions is chiefly rubber, an article which represents on a yearly average 85 per cent of the total exports of the country, and so long as the concessions are worked upon the same conditions as at present it is difficult to see how the complete freedom of trade, which is guaranteed under Article I of the Berlin act, can possibly exist, for the condition of the native in those areas will be such as to preclude the possibility of his acquiring any material wealth beyond the minimum necessary for the bare support of life, since he will continue to be debarred from enjoyment of the fruits of the soil. Such conditions not only present an insuperable obstacle to any trade relations with the population of the larger portion of the Kongo, but they fail to meet the requirements of Article VI of the Berlin act, under which the signatory powers pledge themselves to provide for the improvement of the natives' moral and material well-being.

Moreover, the areas which were formerly comprised in the concessions of the A. B. I. R. and Anversoise companies must be treated as on the same footing as the areas in the concessions of the existing companies. Although those

companies have ceased to exploit their concessions themselves according to the conventions between them and the State (Annexes 13 and 14 to the treaty of cession), the latter bind themselves to hand over the produce in rubber to the former at Antwerp at a fixed rate. The produce of these areas may therefore be said to be already disposed of in advance. His Majesty's Government understand that, according to the treaty of cession the Belgian Government bind themselves to respect this arrangement, and they must therefore conclude that the condition of affairs within these areas will be similar to that in the other concessions.

With so large an area of the Kongo State subject to the concession system His Majesty's Government can not help feeling that no real improvement will be effected in the state of affairs unless there is a radical alteration of the economic system of the territory.

His Majesty's Government can but repeat that they are well aware that it is outside their province to define the reforms that should be adopted in the Kongo, but as they have good reason to believe that both Governments are, on this question, animated by the same spirit they venture to suggest the following measures, as they believe that their adoption would effect a marked improvement in the conditions prevailing in the Kongo. They trust that these suggestions will be welcomed by the Belgian Government in a friendly spirit and receive that measure of consideration which the gravity of the situation requires:

Taking the three points enumerated above in order it appears to His Majesty's Government that—

1. As regards the question of taxation in labor, the abuses to which the system has given rise have only been rendered possible by the absence of a proper standard of value. They believe, therefore, that the only sure and efficacious means of precluding the existence of such abuses in the future is the introduction of currency throughout the State at the earliest possible date. Both the reports of the commission of inquiry and the experience of His Majesty's consular officers agree in the conclusion that the native has learnt the use of money, and that currency would be welcomed by all classes, native and European alike.

2. The natives in the concessionary areas should not be compelled, by either direct or indirect means, to render their labor to the companies without remuneration. The introduction of currency should contribute greatly to the protection of the native against the illicit and excessive exactions on the part of private individuals. Such protection, however, can not be adequately secured unless the latter be compelled to pay the native in specie at a fair rate to be fixed by law.

3. They would urge that a large increase should be made in the land allotted to the natives.

In fixing the amount due regard should be had to the system of land tenure in vogue among them. From the reports which I have received from the British consular officers it would appear that individual property can scarcely be said to exist, while collective property would seem to be the rule. The natives of the Kongo are not precisely nomadic and seldom migrate outside what may be called their tribal areas, but as the rotation of crops and the use of manure are unknown the yield decreases after three or four years' cultivation and the natives are obliged to shift the site of their villages and clear and plant new lands.

If allowance is to be made for these practices the allotment of land to the natives should be made on a liberal scale, and the natives should be allowed to keep for themselves all the products of their land, whether they are the result of cultivation or not. In the opinion of His Majesty's Government the recommendations of the commission of inquiry on this point, to which practical effect is being given under the decree of the 3d June, 1906, entitled "*Terres Indigènes*," are insufficient for this purpose.

The joint effect of these three reforms would go far to ameliorate the condition of the natives in the Kongo, but no such improvement can be looked for unless the introduction of all three is obtained. Little benefit would result from any one of them standing alone.

As already stated, His Majesty's Government merely submit these views for the friendly consideration of the Belgian Government, and if the latter have measures in view other than those above suggested His Majesty's Government would greatly appreciate any information which could be communicated to them on the subject.



They would also be glad to receive an assurance from the Belgian Government that British missionaries, land settlers, and merchants will be able in the future to acquire plots of land in reasonable quantities in any part of the State, so as to secure to them the advantages that were intended by article 2 of the Anglo-Kongolese agreement of the 16th December, 1884.

It had been the intention of His Majesty's Government to claim, in accordance with the rights guaranteed to them under Article XII of the Berlin act, that an arbitration should take place to determine whether the land and trade systems now in force in the Kongo Free State are consistent with the first and fifth articles of that instrument, which enact that trade is to be free and monopolies to be prohibited. As His Majesty's Government have now every reason to hope that the State will be annexed in the near future by Belgium, they prefer to postpone any question of arbitration, and to discuss the situation with the Belgian Government in a frank and friendly spirit.

You should read this dispatch to M. Davignon, and leave a copy with his excellency if he desires it.

I am, etc.,

E. GREY.

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[Inclosure in No. 2.]

*Memorandum respecting taxation and currency in the Kongo Free State.*

GENERAL.

The first and foremost subject of complaint under Article VI of the Berlin act are the abuses resulting from the system of taxation in labor. His Majesty's Government do not for a moment maintain that the treaty provisions of Article VI give them the right to demand the introduction of any particular system of taxation. They fully recognize that the Kongo government is at liberty to adopt any system which in their opinion the circumstances may demand. But His Majesty's Government must nevertheless contend that no system can be allowed to operate so as to interfere with treaty obligations to the prejudice of the moral and material well-being of the natives.

It will be of interest to note briefly how the present system has sprung up. Like all the other questions affecting the Kongo, that of taxation is intimately connected with the existence of the rubber monopolies. In fact, the prosperity of the latter are largely, if not entirely, dependent on the maintenance of the present system. The native has been excluded from participating in any share in the benefits accruing from the systematic exploitation of the soil. It is, of course, obvious that that very exploitation over such vast areas as the "domaine de la Couronne," the "domaine privé," and the concessionary companies can not possibly be effected without the assistance of native labor. No system of monopolies could possibly be effective without it. The manner in which this labor has been obtained evinces the same spirit which has characterized the commercial and financial policy of the State from 1891 onward. Having, by the partition of the soil and the general interdicts on trade of 1892, gradually deprived the native of all means of acquiring material wealth, and restricted him to the smallest possible area with the barest necessities of life, the State succeeded in arriving at a state of affairs in which labor was the only possible form of raising the taxes. Taxes in kind became impossible, for the produce of the soil was the property of the State and the companies. Taxes in money became equally impossible, for, apart from the desire for obvious reasons not to introduce specie, the circulation of coin in the given circumstances would have been impossible, seeing that the natives had no exchangeable values to trade in. Reduced to this condition, it was easy for the State to exact the labor it required for the exploitation of the land in the shape of taxation. In principle, of course, there is nothing wrong in taxation in labor any more than in any other particular form of taxation. It is of the abuses to which a tax in labor is liable to give rise, and which have actually arisen in the case of the Kongo, that His Majesty's Government complain. Taxation in labor is an expedient to which His Majesty's Government, as well as other powers possessing colonies in Africa, have on occasions resorted when no other form of taxation was possible. There is, however, this difference in the application of the principle: That in the case of the British colonies taxation in labor has never been regarded as more than a provisional and temporary expedient, to last



only until such time as it might be possible to introduce a more satisfactory system.

Now, in the case of the Kongo the converse is the case. For over twenty years has the Kongo State been in existence, and no attempt has been made to introduce specie except on the lower Kongo, where there is no danger of interference with the great rubber monopoly. On the other hand, there is abundant proof to show that no efforts have been spared to render the only system of taxation possible, that of labor, and to perpetuate that system as long as possible.

Currency is so indissolubly connected with taxation that, before proceeding to deal with the effects of the labor tax in force in the Kongo, it will be of great service to examine carefully the attitude of the Kongo government in regard to the introduction of currency. The question of currency lies so much at the root of all the evils arising from the tax in labor that a clear understanding of this point will assist very materially in rebutting the Kongo government's specious arguments on the subject of taxation.

#### CURRENCY.

It is impossible to lay too much stress on the importance of the introduction of currency. There is probably no more potent means of putting a stop to the abuses in the Kongo than the existence of a circulating medium in sufficient amount. It would, on the one hand, shield the native from the exorbitant exactions of the State, which the latter is only enabled to enforce in virtue of a system of taxation in labor; while, on the other hand, it would, if not entirely destroy, at any rate seriously diminish, the enormous profits of the trading companies and of the State in its capacity of a trader.

The commission of inquiry, in their report (p. 156), said:

"Le commerce serait considérablement facilité par l'introduction, dans tout l'État, de la monnaie qui, actuellement, n'est réellement utilisée que dans le Bas-Kongo. Cette mesure est réclamée par les Agents de l'État, les factoriens, les missionnaires, et même par les noirs qui ont appris à connaître l'argent."

The secretaries-general, in reporting to the King Sovereign on the recommendation of the commission of inquiry, said that since the foundation of the State the Government had spared no efforts to set currency in circulation in the Kongo. Money had passed rapidly into circulation among the population round the principal centers of the lower Kongo.

In the upper Kongo, where the natives came less in direct contact with the white man, the State had experienced greater difficulties in effecting payments in currency, and in certain centers such attempts had proved complete failures. For some time past these efforts had been renewed, and the government, where possible, would continue to effect payment in specie, the only means by which the commission of inquiry held that currency could pass into circulation. The statements of the secretaries-general are hardly borne out by the experience of Vice-Consul Michell when visiting the territory of the Lomami Company (proprietary), on the upper Kongo, in February, 1907. He reports in his dispatch of the 1st of March, 1907, as follows:

"The territory exploited by the Lomami Company—a subsidiary undertaking of the 'Comité Spécial du Katanga,' and one of a group of companies, including, I understand, the Kasai trust and the 'Société Anonyme Belge,' financed by a syndicate of Belgian banks—differs from the concessions granted to other societies in being a freehold property. The company holds, therefore, a unique position in the Kongo State, being free to deal with its products as it thinks fit. As the State claims all the ivory, rubber, minerals, and other riches as products of the soil, so the company claims the same in its territory. The State, therefore, can not demand the ivory and rubber of the Lomami in payment of taxes, but exacts the labor of the natives. Up to the end of the year 1905 the company was authorized by the State to collect this tribute, with the result that the same abuses were liable to occur as in the A. B. I. R. and other concessions, especially with the turbulent Lokele. After the affair at Yabohila, the company renounced the right to impose taxation. It has taken some time to reform the system to which the agents had become accustomed, and more than one agent has been expelled for not obeying the new order. But it is now the strict rule throughout the territory that nothing can be demanded from the natives without their consent and without such payment as they agree to take. Doubtless the impression of the old régime still remains on the minds of the

people, and to some extent they still feel compelled to satisfy the white man; but I can testify that I saw no signs of any pressure by the agents.

"On M. le Marinel's arrival as director in July, 1906, he introduced a system of absolutely free trade, and initiated a basis of currency. Preparatory to the use of silver he has cut down the usual brass rods to lengths, representing 10 centimes and 5 centimes. Every service rendered, and all rubber, ivory, fresh food, and other things bought from the natives is paid for on the spot in these brass rods. In each factory there is a shop where European goods are set out on a counter with the number of rods laid against them which represent their price. These counters are open day and night. It is absolutely forbidden to pay the people in goods. They must receive cash, and they are then free to buy the goods they desire, or to take their money away with them. The barter goods are sold at cost price, with nothing but transport, customs, etc., added. The natives have already a shrewd grasp of the cash system, and silver is to be introduced immediately.

"Since July also the price of rubber has been raised, so that now 1 franc per kilogram is being paid to the producers, and 20 centimes per kilogram in addition is paid to the chief. M. le Marinel is contemplating raising it shortly to 1 franc 50 centimes per kilogram. At present the State is not levying taxation on the natives of the Lomami district, with the exception of the immediate neighborhood of the police post of Opala and the two or three small posts in the interior. The State pays about 55 centimes per kilogram for rubber, of which about 25 centimes goes to the actual maker. The Lomami tribes now understand that if they make rubber for the company they can easily earn very much more than the 2 francs per month that the State may ask of them; whereas if they refuse to work freely for the company they are liable to be compelled by the State to make rubber at 25 centimes per kilogram, with the alternative of the chain gang.

"This experiment is the more interesting as it is the only example of genuine free trade in this country. Many say it will fail as the novelty wears off and as the natives' simple wants and fancies for European goods become satisfied. It remains to be seen whether the company can keep up their interest and stimulate new wants. At present they present themselves readily for portorage and other work in any number asked for.

"The production of rubber is also increasing rapidly. One post has risen to 2 tons (metric) during the month of February, and expects to make more this month. Most of the factories are sending down urgent requests for more goods on account of the increase of business.

"I regard the success of this new experiment as of the utmost importance to the Kongo, both as demonstrating the possibility and the advantages of free trade and as showing the falseness of the arguments hitherto urged by the State in favor of forced labor."

The difficulty of introducing currency in the upper Kongo, upon which the secretaries-general laid so much stress, no doubt exists, but the reason of its existence is that the native, being deprived of all exchangeable values owing to the monopolization of the land, money can not pass into circulation, and in such circumstances the native is, in fact, better off with a commodity, however small in value, that will satisfy a human want than if he were in possession of coin.

The secretaries-general in their report briefly dismiss this all-important subject with these words:

"Il n'est évidemment pas au pouvoir du Gouvernement d'imposer aux particuliers ou aux Sociétés l'emploi de l'argent dans leurs relations commerciales avec les indigènes; mais il importerait qu'elles secondassent à cet égard les efforts de l'État."

The force of this argument is far from clear.

The secretaries-general, nevertheless, recommended that 1,000,000 francs should be struck and sent out to the Kongo. The decree, entitled "Frappe et Monnaie," providing for this measure received the royal sanction on the 3d June, 1906.

It should be sufficient evidence of the reluctance of the Government to introduce currency to mention the fact that up to the present time (January, 1908) only 35,000 francs have been struck, which it is proposed to set in circulation in the Katanga, that is to say, in that portion of the State where currency is the least likely to interfere with the profits on the rubber monopolies. This remark applies equally to the lower Kongo.

Of all the reform decrees the decree "Frappe et Monnaie" was the one which could have been carried into effect with least difficulty and least delay. Surely, if the Kongo government had been in real earnest, they would have taken some steps to coin the money and send it out. Nearly two years have now elapsed since the publication of the decree, and practically nothing has been done.

It is instructive to observe the spirit in which this decree has been interpreted by Vice-Governor Lantonniois in his general instructions of the 8th September, 1906. He says:

"Ce serait, d'ailleurs, anticiper sur les événements que de décréter d'autorité l'emploi de la monnaie dans tout l'État. Le Gouvernement ne veut établir ce régime que par étapes prudentes et seulement chez les populations où il pourra répondre à un besoin ou à une utilité."

As regards the sufficiency of the 1,000,000 francs provided for under the new decree, and the manner in which the promises of the secretaries-general are being carried out, the following extract from a dispatch from Consul Thesiger furnishes some instructive reading:

"In the 'Mouvement Géographique' of the 22d ultimo I noticed an unsigned letter bearing on the question of the introduction of money and the general payment of the natives in coin, in which the writer expresses surprise that the missions, who are the most earnest advocates for the introduction of this system as a step toward reform, have not adopted it in all stations where they are in contact with the natives.

"As a good deal of stress appears to be laid on this point both here and in Belgium, I have the honor to point out various reasons why this course is impossible for the missions before further action is taken by the State in the same direction.

"In the first place the administration, which refuses to accept any coinage but that of the State, has hitherto neglected to furnish an adequate supply of this coinage. So much so is this the case that, even in the towns of the lower Kongo, business houses have great difficulty in always obtaining sufficient specie for their needs, and in Matadi at this moment there is a serious money crisis arising out of this shortage, and the State has been obliged to authorize their officials and the railway company to accept 50 per cent of all payments in French coinage, of which there is a plentiful supply in the neighborhood of the pool; but, even so, traders and others find a difficulty in obtaining the remaining portion in the Kongo currency. Under these conditions, it is obviously impossible for the missions to introduce the payment of the natives in coin into the districts of the upper Kongo.

"On Stanley Pool the missions have for years paid their work people and paid for produce in cash, whereas the State, which has so often expressed its anxiety to see the native educated up to the point of understanding the use of money, and has for years asked the missions to do all they could to introduce it into the country, has only lately followed suit, and now pays some of their workmen half in cash and half in cloth, but still refrains from paying for produce in money.

"Furthermore, in most of the upper districts, money, under the present régime, is useless to the native. Although the State is anxious to obtain the personal tax in money from such natives as are employed by the missions, and so can not supply a tax in labor or in kind, it is in no way desirous of introducing the payment of this tax in coin, as a general rule. The present system is too profitable from the labor point of view and too economical when the tax is paid in foodstuffs at a fraction of their real value. I know on good authority of two cases where the native actually brought the money and offered it as payment of his tax, and it was refused by the State, who insisted on his supplying the so-called 'equivalent' in produce. Thus, as regards his indebtedness to the State, money to any but the mission-employed native is useless. From the personal point of view it would in too many cases be likewise worthless, as there are no magazines or stores where he could purchase cloth or goods.

"The power to introduce money and cash payments into the upper Kongo lies in the hands of the State alone, and it is only when they have done their share of the work that the missions can carry it on.

"Before any improvement can be effected the State must issue at least twice or three times the amount of the currency at present in circulation, and give the native the possibility of purchasing what and where he will. As matters now stand, even at Leopoldville, the small trader can not compete with the State, owing to the heavy freights and the excessive taxation to which he is



exposed, and farther up country it would be absurd even to think of opening a store in districts where the native can not pay in money and may not pay in produce, since the only articles which could profitably be accepted by a trader in exchange for goods of any kind are the private property of the State or of a concessionary company.

"The money question has a very important bearing on the condition of the native population and their relation to the administration, and the State, while outwardly professing their anxiety to spread the use of coined money over the whole Kongo, have neglected all steps which would render such a thing possible."

Vice-Consul Michell says in his report on the trade in Stanley Falls district during 1906:

"Until the State introduces the use of money no amelioration can be expected. This it is not likely to do, as it makes an enormous profit on taxation in kind."

Mr. Vice-Consul Beak says in his report on his tour of the Katanga district, 6th September, 1907:

"A money currency has not yet been introduced, although I can not but emphasize in this particular the report of the Commission d'Enquête that '*cette mesure est réclamée par les Agents de l'État, les factoriens, les missionnaires, et même par les noirs qui ont appris à connaître l'argent.*' Owing to the absence of money and the absence of factories, the native does not really get what he is alleged to receive."

Vice-Consul Armstrong says in his dispatch of the 2d August, 1907:

"The fact that the new law provides for a system of taxation upon a monetary basis is of no value until a fair price is placed upon the rubber. There is no money in the Kongo rubber-bearing districts."

Mr. Armstrong says in his dispatch of the 18th December, 1907:

"The natives of the Stanley Pool district inhabiting the banks of the Kongo River above Leopoldville and Kinchasa, extending over a distance of some 150 miles, have been refused the alternative of paying their tax in money. Similar conditions prevail in other parts of this district below Leopoldville. The payment of the tax in money is the only means the native has of purchasing his freedom and procuring for himself the value of the produce which he now gives to the State."

#### TAXATION.

After examining the attitude of the Kongo government on the subject of currency one can not fail to be impressed with one salient fact, namely, a fixed determination to dispense with a proper standard of value, which alone can insure the perpetuation of the system of forced labor with all its profits to the State or the companies.

Bearing in mind one dominant fact, we can now proceed with the inquiry into the question of taxation.

The commission of inquiry in their report began by saying that the greater part of the criticisms leveled against the State more or less touched upon the question of taxation, more especially taxation in labor, the only tax which burdened the native.

This question was without doubt the most important and the most complex, and, in their opinion, on the solution of this problem depended the solution of almost all the rest.

They then proceeded to examine, first, the principle of taxation in labor, and, secondly, its effects when put into practice.

As regards the principle, they felt justified in defending the system of taxation in labor on the following grounds: They held that as the development of the country could only be effected with the assistance of native labor, and the wants of the native being easily satisfied he would, if he could, pass his existence in absolute leisure. As there were practically no inducements for the native to work, there was not only ample justification for the state policy, but, in their opinion, the State had acted wisely in making use of the only legal means of making work obligatory on the native population, viz., the levy of taxes in labor:

"C'est précisément en considération de la nécessité d'assurer à l'État le concours indispensable de la main-d'œuvre indigène qu'un impôt en travail est justifié au Kongo. Cet impôt, en outre, remplace, vis-à-vis de ces populations, la contrainte qui, dans les pays civilisés, est exercée par les nécessités mêmes de la vie."

Again:

"L'impôt en travail est d'ailleurs l'unique impôt possible actuellement au Kongo, car l'indigène, en règle générale, ne possède rien au delà de sa hutte, de ses armes, et de quelques plantations strictement nécessaires à sa subsistance. Un impôt ayant pour base la richesse n'y serait pas possible. Si donc on reconnaît à l'État du Kongo comme à tout autre État le droit de demander à ses populations les ressources nécessaires à son existence et à son développement, il faut évidemment lui reconnaître le droit de leur réclamer la seule chose que ces populations puissent donner, c'est-à-dire, une certaine somme de travail."

His Majesty's Government will not attempt to deny that the resources of the Kongo can not be developed without native labor, but they do assert that this labor need not necessarily be exacted by the State in the shape of taxation. Assuming that specie can be put into circulation, if the tax is assessed and payable in specie, does it not follow, especially in the circumstances described by the commission, that the natives would have to work to get the money to pay the taxes?

Unless the expression "certaine somme de travail" used by the commissioners is to be taken to mean that because the native is reluctant to work of his own free will the State is justified in exacting from him in the shape of taxation in labor a sacrifice out of all proportion to what would be justifiable if they were assessed in specie. His Majesty's Government fail to see the force of the commissioners' argument, for, as already stated, the native would still have to render the "certaine somme de travail" in order to get the money to pay the tax.

That such an arbitrary power of exacting labor from the natives should be vested in the State was clearly not what the commissioners contemplated, for they go on to say:

"Certes l'impôt en travail, comme tout impôt, ne doit absorber qu'une faible partie de l'activité individuelle; il doit servir uniquement aux besoins du gouvernement, être en rapports avec les bienfaits que les contribuables mêmes en retirent; il doit enfin pouvoir se concilier, autant que possible, ainsi que nous le proposerons, avec le principe de la liberté individuelle, mais dans ces limites nous ne croyons pas qu'il puisse être critiqué.

"D'autre part, l'obligation du travail, si elle n'est pas excessive et si elle est appliquée d'une manière équitable et paternelle, en évitant autant que possible, ainsi que nous exposerons ci-après, l'emploi des moyens violents, aura le grand avantage d'être un des agents les plus efficaces de civilisation et de transformation de la population indigène."

The words of the commissioners must therefore be taken to be a justification of the principle of taxation in labor when exercised within certain limits and no more. His Majesty's Government have no objections to urge against the views of the commissioners as thus understood. They will go as far as to maintain that if the principle of taxation in labor is applied with moderation, and every precaution taken against the abuses to which such a system is liable, its application is as unexceptionable as any other form of taxation; indeed, in certain circumstances, it may be resorted to with mutual advantage to the State and the taxpayer.

But it is precisely these limits which constitute the crux of the matter. We shall presently see how far the taxation in labor in force in the Kongo State has been, and is, kept within the limits in which alone the commission of inquiry hold such a system to be justified.

It will at first, however, be necessary to take some account of the legislation on the subject of taxation.

In the first year of the State's existence the government agents often stationed in unexplored and isolated parts of the country were allowed to requisition from the natives the necessary means of subsistence. The decree of the 6th October provided for the contribution by the chief recognized by the State. A decree of the 28th November, 1893, empowered the commander in chief of the state forces in the Manyema to raise some of the means necessary to cover the extraordinary expenses occasioned by the suppression of the Arab revolt, and determines the nature and the amount of the contributions to be furnished by each locality or native chief. Article 7 of the decree of the 30th October, 1892, imposes on the natives gathering rubber in the territories above Stanley Pool open to trade a tax in kind, the amount of which was to be determined by the governor-general, but in no case exceeding one-fifth of the amount gathered. A further decree of the 5th December, which was not published in the "Bulletin Officiel," empowered the secretary of state "de prendre toutes les mesures

qu'il jugera utiles ou nécessaires pour assurer la mise en exploitation des biens du domaine privé."

For a long time these enactments were considered sufficient to enable the administration to exact from the natives contributions in labor, and to delegate that right to the companies, without, however, ever determining the nature and the amount of such contributions, nor in anyway limiting the amount of force to be employed in compelling the natives to pay the tax. When, however, in the cases of the Kongo Government *v.* Kasfessa, the 29th August, 1899, and Kongo Government *v.* Noketo and Olembo, the court of appeal at Boma gave judgment to the effect that, in the existing state of the law, no one had the right to compel the natives to work, the State saw the need of regularizing the position. The decree of the 18th November, 1903, was issued, and this is the law which has remained in force until the reform decree of 1906 amended and amplified it.

Until latterly the levy of the taxes was more or less left to the discretion of the state or company agents.

Each "chef de poste" or "de factorerie" demanded of the native, without inquiring too closely upon what authority, the most varied contributions in labor and in kind to meet the requirements of his particular case.

In later years the amount of contributions was fixed by the "commissaire de district," to whom great latitude was given, with the result that the assessments varied greatly according to local circumstances. Thus the amount of rubber demanded in the Mongala district was 9 kilograms in the A. B. I. R. 6, in the eastern provinces from 2-4, while in Lower Kongo no taxes at all were levied.

As the agents thus enjoyed complete discretionary power, the natives were in some cases treated with leniency, whilst in others the demands made upon them were altogether excessive. In the "domaine privé" this abuse was greatly stimulated by the fact that the government agents had a direct interest in the yield, for they received bonuses in proportion to the amount of rubber collected. These bonuses were abolished some fourteen years ago.

The decree of the 18th November, 1902, equalized (on paper) the taxes to be paid throughout the country.

Every adult and able-bodied native was to render a certain amount of labor to the State in the shape of taxation. The labor was to be remunerated, and was not to exceed forty hours a month. Nothing could be more equitable than the provisions of this decree as they read on paper, and no possible exception could be taken to the principle on which they are founded. But, and here is the gist of the whole matter, the "commissaires de district" were empowered under the decree to draw up so-called "lists of equivalents," showing the amount of produce which, in their discretion, was the equivalent of forty hours' labor. It is true that in assessing the amount the "commissaires" were enjoined to have due regard to local circumstances, such as the richness of the forest, the distance to be traversed, the nature of the products, etc. They were empowered by article 31 to insist on payment in kind instead of in labor to the amount fixed on the list. Article 54 empowers the authorities, in cases of refusal on the part of the natives to pay the taxes, and, in default of property which can be confiscated, to resort to forced labor.

As regards the actual operation of the law, it will be well to quote the words of the commission of inquiry:

"Lors de l'inspection de la commission, la loi n'était appliquée que dans quelques districts.

"Le Décret fixe à quarante heures par mois le travail que chaque indigène doit à l'État. Ce temps, considéré comme maximum, n'est certes pas exagéré, surtout si l'on tient compte du fait que le travail doit être rémunéré; mais comme dans l'immense majorité des cas, par application des articles 31 et 34, ce n'est pas précisément le travail qui est réclamé à l'indigène, mais bien une quantité de produits équivalente à quarante heures de travail, le critérium du temps disparaît en réalité et est remplacé par une équation établie par les commissaires de district d'après des méthodes diverses. Tantôt, on a tenté de calculer le temps moyen nécessaire pour obtenir certain produit, par exemple, le kilogramme de caoutchouc ou de chikwangue; tantôt, on s'est borné à fixer la valeur de l'heure de travail en prenant pour base le taux des salaires locaux; on a multiplié ce chiffre par quarante et l'on a exigé des indigènes la fourniture d'un produit d'une valeur équivalente à la somme ainsi obtenue.

"Le premier de ces calculs repose sur des appréciations arbitraires; le second donne des résultats qui peuvent varier à l'infini, selon l'évaluation du produit ou de la main-d'œuvre."



A circular of the 29th February, 1904, addressed to the "commissaires de district," ordered them to see that the results of the previous years' taxation should not only be maintained, but progressively improved upon.

The secretaries-general, in their report to the King-Sovereign, agreed with the commission of inquiry that the question of taxation was without doubt the most important, and that on the solution of this problem depended the solution of nearly all the rest.

The decree of the 18th November, 1903, they said, subjected the natives to compulsory labor, and this tax was justified by the report of the commission of inquiry.

There were other legislatures who taxed the natives in specie, and theoretically there could be no difference of opinion as to the advantages of such a form of taxation. But in practice, and in the actual state of affairs in the Kongo, where nearly the entire native population possessed no specie, to substitute a tax in money for a tax in labor had only the appearance of a modification in the law. If the law were to take as a basis of taxation a sum of money, it must, since it is demanding of the native what he does not possess, leave the latter the alternative of paying the tax in kind or in labor. This alternative was in the actual circumstances not an alternative at all, inasmuch as the native not possessing specie must of necessity avail himself of the right to pay the tax in kind or labor.

The system of taxation in specie and the system enforced under the decree of 1903 must both ultimately result in the present and general system—that is, to exact from the native labor of some kind. The possibility, however, that certain classes of taxpayers would be able to acquit themselves of the tax in money had been sufficiently established to justify the law in sanctioning the principle.

This argument is of course extremely plausible. His Majesty's Government can have no objections to urge against the views thus expressed by the secretaries-general, which must of necessity apply to every country in the earlier stages of its development. As already stated, taxation in labor and in kind has been resorted to by probably every European power possessing colonies in Africa. But such a form of taxation is only justifiable as a temporary or provisional measure until such time as the introduction of currency has become possible. The secretaries-general said the native in the Kongo had no specie. True, but why has he no specie? Because, as already explained, during the twenty-three years that the Kongo State has been in existence no serious attempt, in spite of all assertions to the contrary, has ever been made by the State to introduce currency on a sufficiently large scale. In every other European colony in Africa has the native come to learn the practical value of a medium of exchange. What are the reasons that the Kongo State should stand in an exceptional position in this respect? They are unfortunately obvious enough. The truth is that it is precisely owing to the absence of a proper standard of value that the Kongo government and the concessionary companies have been able to abuse the system of taxation in labor and realize enormous profits out of the incessant labor wrung from the population in the guise of taxation.

In the new decree which the secretaries-general were submitting for His Majesty's approval certain modifications of the decree of the 18th November, 1903, had been effected in accordance with the recommendations of the commission of inquiry, dealing more especially with—

1. The amount of the tax.
2. Its assessment ("fixité").

In deference to the wishes of the commission of inquiry, "de régler le taux de l'impôt d'après les conditions des différentes peuplades indigènes entendant compte de leurs aptitudes au travail," the decree did not make uniform the amount of the tax for all the territories of the State. Article 2, section 2, provided that the governor-general should fix the amount of the tax proportionately to the resources of the various regions and populations and according to the degree of the development of the natives. The decree laid down that the amount of the tax could not be less than 6 francs nor more than 24 francs.

The secretaries-general then significantly observed that the payment of the taxes in money would for a long time remain the exception, because the native, as a rule, possessed nothing beyond his hut, his arms, and a few plantations. Precisely so. The native has been systematically deprived of his interests in

the soil, and thereby of his power to acquire wealth. He has, therefore, no exchangeable values to barter against money.

There is, however, another reason, to which the secretaries-general, of course, do not allude, which will compel the native to pay the tax in labor and not in money, and that is, as we have already seen, the determination of the Government to postpone as long as possible the introduction of currency. In such circumstances the secretaries-general may justly observe:

"En pratique, par la force même des choses, l'impôt sera généralement payé en produits ou en travail."

"La force même des choses" being, in fact, the indirect compulsion exercised by the State. Therefore article 2 bis provides:

"Les indigènes peuvent s'acquitter de l'impôt soit en produits, soit en travail."

The law, they said, could not itself lay down the equivalents of either kind of labor in terms of money; that must necessarily vary according to the different regions. Foreign legislative enactments which had been consulted equally did not fix the equivalents. Following those examples, the decree left that duty to the higher local administrative authorities—to the "commissaires de district." Then they went on to remark that it was absolutely essential that the valuation should be so fixed (as recommended by the commission of inquiry) as to preclude all arbitrariness, and to fix in a definite manner the amount payable by each taxpayer. Directions would be given to the governor-general that, while acting under the powers conferred upon him, he should take every precaution to attain that end. The latest reports from the Kongo showed that steps had been taken to fix the equivalent on a just and equitable basis.

The tax payable being thus definitely fixed, it would become impossible to impose excessive taxation on the natives. For this to happen it would be necessary to register the native on the lists for a sum in money or its equivalent in excess of the sum legally due from him. Such an hypothesis was inconceivable, since the lists, being submitted to the governor-general, would not receive his sanction unless they were strictly in accordance with legality. If any agent charged with the collection of the tax were to exact from the native more than the amount fixed on the rolls, he would be punishable under article 63 of the decree for such an abuse of power.

It is scarcely necessary to observe that these tables of equivalents, unless drawn up in accordance with some proper standard of value, afford no guaranty whatsoever against excessive demands on the part of the State. If the value assigned to any particular product has been fixed without reference to the time, labor, skill, sacrifice, and the other numerous constituents, which in a country where the laws of supply and demand are allowed free play, go to make up values, then such a system must always be liable to abuse at the hands of those empowered to fix the valuation.

It is instructive to note the interpretation which Vice-Governor Lantonnois has placed on the secretaries-general's reassuring utterances in his instructions to the local authorities of the 8th September, 1906. He says:

"L'indigène qui remet à l'État des produits domaniaux ne fournit, en effet, à celui-ci que la valeur de sa main-d'œuvre puisque le produit appartient à l'État. Vous devrez donc évaluer d'abord le nombre d'heures de travail nécessaires pour récolter une certaine quantité de produits, un kilogramme, par exemple, puis la rémunération due pour ce travail d'après les salaires locaux. Cette rémunération se calculera de la même manière que sous le régime antérieur et en tenant compte du même taux de salaires, mais elle devra désormais être exprimée en numéraire sur ces tableaux d'équivalences."

Before proceeding to examine any particular form of taxation in labor, and the manner in which the Kongo government have succeeded in continuing the former abuses in spite of the assurances of the secretaries-general, some explanation seems required of the system under which the native receives remuneration for the taxes paid by him.

#### REMUNERATION TO NATIVES FOR TAXES LEVIED.

The system of remuneration for taxes levied appears to be peculiar to the Kongo State.

The first signs of the introduction of this system is to be found in the government instructions which appeared in the "Bulletin Officiel" in 1896. These

instructions laid down that remuneration (a notion not readily reconcilable with the idea of a tax) was to be given to the natives for their labor, which should be not less in value than the labor rendered. A tariff was to be drawn up by the "commissaires de district," and approved by the "gouverneur-général." The only tariffs approved by the governor-general, said the commission of inquiry, fixed the maximum which the "commissaires de district" were authorized to pay, but did not state the minimum. Hence it came that the natives were often given insufficient remuneration, and sometimes they were paid goods of no value at all.

In their report to the King-Sovereign the secretaries-general said that the remuneration granted by the State for taxes levied in kind was an act of pure condescension. It was to be maintained with that character. The commission of inquiry had justly observed that the remuneration served as an effective encouragement to labor. The amount of this remuneration was not left to the discretion of the tax gatherer; it was fixed by higher authority, and the amount inscribed on the rolls for each taxpayer. Besides, the necessary steps were being taken to multiply the state stores, where the native would be at liberty to choose the articles he requires up to the amount due to him as remuneration.

It must be observed that since there is no currency in circulation over the greater part of the Kongo, the remuneration of the natives, though fixed on a monetary basis, is paid in cloth or salt. In reporting on the tax in chickwangue around Leopoldville, Mr. Thesiger describes the result of this system as follows:

"Were this 6 centimes paid in coin the injustice would still be evident, but it is paid for in trade cloth, of which the State has in Leopoldville a practical monopoly, at a value of 10 francs a piece of 7 meters, or in other trade goods a similar valuation. These figures speak for themselves. It may be further noted that the natives, having no use for all the cloth so earned, are glad to sell it again at 8 francs a piece, thus incurring a diminution of their wage. This is so generally the case that a regular trade is carried on in the cloth so retailed."

Whatever advantages may be claimed for such a system as an incentive to work when carried out with a genuine desire to benefit the native, His Majesty's Government contend that it must necessarily wholly fail in its object when the so-called remuneration is merely of nominal value. That this is the case the evidence which His Majesty's Government will adduce further on will leave but little doubt. As it is at present, such a system can not fail to introduce confusion into the minds of the natives as to where taxation ends and remuneration begins. Indeed, it makes it extremely difficult to know where to draw the line between the taxpayer and the hired laborer. Both are compelled to render labor to the State, both receive a nominal remuneration in kind, so that in practice, if not in theory, both are the slaves of the State.

As regards the establishment of state stores alluded to by the secretaries-general, one of the reform decrees provided that a supplementary credit of 800,000 francs should be opened for the establishment of state stores stocked with objects responding to the taste of the natives, in order that they should obtain the articles they want either as remuneration for the tax levied or as payment for labor.

Mr. Thesiger, as we have already seen, in speaking of currency, says:

"From the personal point of view it would in too many cases be likewise worthless, as there are no magazines or stores where the native could purchase cloth or goods."

Mr. Vice-Consul Beak, in his report of 6th September, 1907, says:

"I did not in the whole course of my journey come across one of the 'Magasins d'Etat approvisionnés d'objets répondant aux goûts et aux besoins des indigènes' contemplated in one of the June decrees."

Further on occurs this passage:

"The Tanganyika Concessions (Limited) has established numerous stores at Kambové, Ruwé, and elsewhere, which offer a pleasant contrast to the 'Magasins d'Etat' and at which the native is afforded a large variety of choice and a real chance of meeting his requirements. The stock held by the Kambové store, for instance, was far superior both in quality and variety to anything I had seen in the course of my journey since leaving Sierra Leone."

#### VARIOUS FORMS OF TAXATION.

It will now be necessary to examine carefully the effects of the different forms of taxation under the decree of 18th November, 1903, as found to be in existence



by the commission of inquiry. We will then deal with the remedies suggested by the commission and nominally adopted by the Kongo Government in the decree entitled "Impositions directes et personnelles" of the 3d June, 1906, and finally the manner in which that decree has been put into operation according to the information which His Majesty's Government have received from their consular officers in the Kongo State.

It will suffice, in order to show that no real reforms have so far been introduced, to take only the two principal forms of taxation in labor, viz, chickwangué and rubber.

#### CHICKWANGUE.

Chickwangué (kwanga) is bread made of manioc, and constitutes the staple food of the natives over the greater part of the Kongo State. The preparation of this article necessitates many kinds of work, the clearing of the forest, planting of the manioc, extraction of the root to make the chickwangué, cleaning, boiling, and packing, etc. Each of the processes, with the exception of the clearing, is the work of women. These chickwangués when prepared are taken by the natives to the nearest government posts for the consumption of soldiers, workers, and government officials.

The tax in chickwangué is, according to the statement of the commission of inquiry, paid with great facility. It is a work to which the native is accustomed. When the number of consumers at the government stations are not too numerous, and the tax is equitably distributed among a sufficiently dense population, the tax need not give rise to any complaint.

But the matter is very different in the vicinity of the more important stations where the native population have to provide for a great number of laborers and soldiers. In the country immediately round the chief center of administration and the military camps the supply of chickwangué becomes a tax involving considerable hardship. As the villages in the immediate neighborhood are insufficient for the supply, the tax becomes more burdensome owing to the necessity of transport.

As an illustration, the commission of inquiry instanced the case of Leopoldville. This station, which is growing in importance from day to day, numbered in 1905 about 3,000 laborers and soldiers. The district on which the burden of supplying the station with provisions is far from thickly populated. The villages are few and far between, and the population is on the decline.

The necessity thus arose of having to enlarge to an abnormal extent the field of taxation from which the supply of chickwangués was to be drawn. A village 79 kilometers distant, to the south of Leopoldville, was assessed at 350 chickwangués.

To equalize as far as possible the burden of this tax, the region was divided into three more or less concentric zones. The most remote distance in the first zone was 30 kilometers from Leopoldville, the maximum distance in the second is 43 kilometers, and in the third 79 kilometers.

The inhabitants of the nearest zone supplied their chickwangués every four days, those of the second every eight days, those of the third every twelve days. As the making of the chickwangué devolves on the women, it is according to the number of the women in each village that the amount of the tax is fixed. The maximum fixed for each woman is chickwangués for four, eight, and twelve days, respectively.

All the witnesses before the commission of inquiry were unanimous in condemning the system. The assessments are exorbitant, and the labor is continuous, owing to the long journeys which the natives have to make in order to supply the station.

From calculations made by the state officials it is estimated, having regard to all the preliminary processes, that the production of 1 kilogram of chickwangué involves one hour's work, of which four-fifths is rendered by women. The average loaf of chickwangué weighs  $1\frac{1}{2}$  kilograms.

It will be seen that the women of the first zone who supply chickwangué at intervals of four days render to the State one hundred hours' work per month, those of the second about fifty, and those of the third about thirty-three.

The most burdensome side of this tax is the continuity of labor which it involves. As chickwangué can be preserved only a few days, the native, even by doubling his activity, can not at one time discharge his obligations extending over a long period.

The imposition, even if it does not demand his entire time, loses a part of its real character as a tax, and besets him therefore continually, through the

preoccupation of these approaching deliveries, which make the task lose its true character, and transforms it into incessant compulsory labor.

By far the greatest hardship lies in the obligation which rests on the native to bring in at a fixed interval his quota of chickwangué. The commission declared as inadmissible a system which necessitates the native traveling 150 kilometers in order to bring in a tax representing a value of approximately 1.50 francs.

For the most part women, children, and domestic slaves are charged with the duty of transport. These constitute the working element of the village, and if the greater part of their time is absorbed in the payment of taxes and in their personal maintenance they have no opportunity, even if they so desired, to give their energies to other labors. Hence the destruction of the native industries and the unquestionable impoverishment of the villages. The evidence taken before the commission of inquiry was unanimous in testifying to the general misery which reigned in those parts. One witness went as far as to say:

"If the system under which the natives are obliged to supply the 3,000 laborers at Leopoldville continues for another five years the population of the district will have disappeared."

Without entirely sharing this pessimistic view, the commission admitted that there was some truth in it.

The commission of inquiry suggested that the following remedies might be applied. There was, they said, urgent necessity for the establishment in the immediate vicinity of the great center of population of "*cultures vivrières*," the size of which would depend on the number which had to be fed. The wives of soldiers might, to a certain extent, be employed upon such work as might be best suited to their special aptitudes. In the meantime, the commission thought the Government might feed the laborers at certain stations partially on rice or dried fish, as the "*Compagnie du Chemin de Fer du Bas-Congo*" fed their colored staff.

In any case, if it were impossible for the Government to reform the system radically all at once, and it were necessary for them to continue for some time to come to exact a supply of foodstuffs from the taxpayers living at great distances, they should take steps to relieve the heavy burden caused by the transport. This transport should, as far as possible, be performed by mechanical or animal power. Thus it would be desirable that in the region of Leopoldville, traversed by the railway, arrangements should be made for the transport by rail, on easy terms, of the chickwangues furnished by the extreme south of the district. If the experiment made at Leopoldville in 1904 to utilize camels should prove satisfactory, this mode of transport should be generalized.

The secretaries-general, in their report to the King, pointed out, with regard to the transport of chickwangué to Leopoldville in the south district, that since the 1st July, 1905, in consequence of an abatement in the tariff for certain categories of merchandise, the transport of chickwangué by rail had become possible, and that since that date the natives had been at liberty to deposit their chickwangues at appointed places along the line; but that it had been found that only on rare occasions did the natives avail themselves of this advantage, preferring to bring the tax in themselves to Leopoldville.

The State, they said, was becoming daily in a better position to relieve the taxpayers living at great distances from furnishing foodstuffs, thanks to the measures taken for feeding the native staff by establishing in the neighborhood of the great centers of population of "*cultures vivrières*." Such plantations had been created in the neighborhood of Leopoldville, Coquilhatville, and Stanleyville. Each plantation employed 300 workmen, under the direction of an expert. The Government had besides ordered at stations of secondary importance, wherever the nature of the soil would permit, the creation of plantations of banana trees, arachides, maize, beans, potatoes, rice, manioc, etc.; 44 posts already possessed such plantations. Rice was cultivated in large quantities at Kitobola, Gongola, and Romée.

Mr. Vice-Consul Armstrong, in his dispatch of the 2d August, 1907, says:

"At Leopoldville, the center of the Kongo State's greatest works, namely, the head of the lower Kongo Railway and the port for all the upper Kongo river steamers, some 2,000 natives are employed. These men are fed by the population of the Stanley Pool district, which is their tax to the State. The natives who are obliged to feed these workmen are called upon to travel in many instances very long distances to deliver their tax at Leopoldville; but the greatest evil arising from this form of taxation is that the natives are obliged to

deliver this tax every four or five days, as the case may be, according to the distances they have to travel; but in any case it keeps the population continually on the road to Leopoldville, so that, practically speaking, they are never free to work for themselves. Although much more leniency is being shown the native now than heretofore, nevertheless this tax in no way fulfills the obligation of forty hours' labor per month. (Vide 'Bulletin Officiel,' June, 1906. Article 2: 'Impositions directes et personnelles.')"

Here is what Mr. Thesiger, His Majesty's consul at Boma, says on the subject of the tax in chikwangue and fish:

"From the administrative point of view the tax in chikwangue, the native breadstuff, with which the native employees, laborers, and soldiers are fed in the upper Kongo districts, is one of the most important.

"In Leopoldville the State employs some 1,200 workmen, who, together with a detachment of 120 soldiers and their wives and children, number about 2,000 persons, for whom rations are found by imposing a tax in chikwangue on the women living in the surrounding villages. To obtain the necessary supply the tax is estimated at 400 kilograms per head yearly, for which, by 'un acte de pure condescendance,' the State pays 6 centimes a kilogram in trade goods, thus apparently giving back in kind the full value of the tax of 24 francs imposed.

"As a matter of fact, the local market of chikwangue is 10 centimes a kilogram, and on the other side of the Stanley Pool 25 centimes per kilogram can be obtained at Brazzaville in the French Kongo. Thus, if the native were free to sell the produce of his own lands and of his own labor, each 100 kilograms would be worth at least 40 francs, leaving a profit of 16 francs to the native even after the maximum tax had been paid.

"Were this 6 centimes paid in coin the injustice would still be evident, but it is paid for in trade cloth, of which the State has in Leopoldville a practical monopoly, at a value of 10 francs a piece of 7 meters, or in other trade goods a similar valuation. These figures speak for themselves. It may be further noted that the natives, having no use for all the cloth so earned, are glad to sell it again at 8 francs a piece, thus incurring a diminution of their wage. This is so generally the case that a regular trade is carried on in the cloth so retailed.

"As regards the time and labor necessary to produce these 400 kilograms of chikwangue, the reports of Mr. Vice-Consul Armstrong and the missionaries all agree that to produce the amount necessary to free her of all obligations to the State each woman has practically to work incessantly twelve months in the year. So much so is this the case that Mr. Armstrong reports 'it is impossible for any of them to leave their villages at any time for fear of the consequences of a shortage in the supply, for which they are liable to punishment,' while the Rev. Mr. Stonelake and the Rev. Mr. Hope-Morgan both testify that, in consequence of the incessant labor imposed by this tax, the women have practically ceased to bear children. Their work is further increased by the fact that the chikwangue has to be brought in every four, eight, or twelve days, and, although this is supposed to be the men's work, as a matter of fact it is carried out to a very large extent by the women and children.

"Forced labor such as this differs only in name from slavery, and by it the administration are enabled to feed their workmen at a merely nominal rate, instead of having to buy chikwangue on the open market or of importing rice at a considerable cost to the State.

"A solution of this question would be the payment to the state workmen of what is known here as 'chop money,' namely, a weekly sum for food, which each man then provides for himself. By this means the supply of local produce would be encouraged, the native producer would get a fair price, while the cost to the State would be small. It would, however, mean the introduction of a system of payment to the workmen in coin and indirectly facilitate the payment of the taxes in money, two things which the administration have no wish to introduce into the upper Kongo.

"Mr. Armstrong's report of the 17th December, 1907, shows that in the Lake Leopold II district the price paid for the chikwangue is 4 centimes a kilogram, mentioning especially Molcke, where the village has to supply 50 bunches of chikwangue and 50 bunches of fish weekly, and the natives complain 'that they receive practically nothing for their tax, which occupies the greater portion of their day's work.' At N'celenge the tax is 200 chikwangues and 200 fish daily, and each woman having to deposit 5 chikwangues, weighing about half a kilogram each, every morning on the beach, and this amount has to be taken across



the lake to Inongo every day. Here, again, Mr. Armstrong notes that they complained 'only of the remuneration, and not of the endless work imposed upon them.'

"These cases bear out what I have said in the introduction to this memorandum as to the tax being limited only by the needs of the State on the working capacity of the native, as, around Leopoldville, where the soil is poor, 400 kilograms a year is about the limit each woman can produce, while in the more productive forest land the quantity is about doubled and the remuneration decreased, so that the nominal money value of the tax remains unchanged.

"Mr. Consul-General Smith's report bears out these statements and, talking of the Leopoldville district, he says: 'In my visits to the surrounding villages I did not see a woman who was not busily engaged in making chikwangue for the State, from which they receive but a trifle more than half its market value at Leopoldville.' In the same report he mentions that 'at Bolenge the tax in dried fish is 4 bunches per week per man, weighing about 1 pound to the bunch. The price paid is 1 mitako (small brass rods) per bunch, while the current value is ten to fifteen times this amount. The native fishermen complain of the difficulties of supplying the amount demanded and the inadequacy of the remuneration. In high water, when fish are scarce, they are obliged to go a distance of 80 miles to the Ubanghi River to secure them.' And again: 'At Lulunga similar conditions prevail; the remuneration for the kwanga (chikwangue) and fish is only one-tenth of its current value, and I learned on the best authority that the soldiers sold their rations exacted by the State as a tax at a price ten times in excess of the remuneration allowed the native.'

"These instances of the state's dealing with the native, which are examples of, and not exceptions to the general rule, could be increased indefinitely, but are I think sufficient to prove that the administration under the present system of taxation treat the actual produce and property of the native as their own, inexorably exacting what they need and paying for it what they choose.

"Under these circumstances the depopulation of these districts, to which Mr. Armstrong and Mr. Smith both bear witness, is scarcely surprising, and it is certain large numbers of the natives fly to the French side to escape the burdens put upon them by the State; while the incessant work and exposure, especially in the rubber-collecting districts, must encourage the ravages of smallpox and sleeping sickness among an underfed and overworked population."

Here is what Mr. Vice-Consul Armstrong says in the passages above referred to:

"The taxation of women in money (and in kwanga) creates a precedent which does not exist in any West African colony as far as I am aware, and it necessarily follows that women who can not supply chikwangue are permitted to pay their tax in money where they are living with their countrymen outside their towns who are in the employment of the missions or the traders, etc., which means that married men are called upon to supply a double tax.

"The tax in chikwangue falls exceedingly hard upon the female population of this district. It is the women alone who supply this tax, which is imposed as follows:

"The tax, when levied in chikwangue, is based upon a value of 24 francs per annum. The market value at Leopoldville is 10 centimes per kilogram. The State remunerates the native at the rate of 6 centimes per kilogram, and the difference, viz, 4 centimes, is credited to him for the payment of his tax.

"It is impossible to fix this tax with regard to the law of forty hours' labor per month. The time which each native occupies in making gardens, clearing forest, cultivating the plants, transporting the root from garden to village, soaking in water previously to eventually pounding and boiling to render it the taxable produce, is impossible of calculation.

"The amount required of each woman is therefore 400 kilograms per annum, which is calculated by the State as follows:

"Four hundred kilograms at 10 centimes market value, 40 francs.

"Four hundred kilograms at 6 centimes state valuation, 24 francs.

"The difference is therefore the amount of her tax, viz, 16 francs.

"The men, on the other hand, are taxed in labor, which is not supposed to exceed forty hours per month. Their duties consist in carrying the tax in chikwangue to the State, an obligation which they do not always carry out, as one frequently sees both women and children engaged in this work.

"For the convenience and equalization of portorage the districts supplying chikwangue are divided into zones.

"In the first zone the villages range from one hour to a day's journey from the receiving station. The natives supply their tax every four days.

"In the second zone, from one to two day's distance, in which case the tax is supplied every eight days. The third zone has now been abolished, and the people take their tax to a post on the railway every four days, and are allowed 8 centimes per kilogram instead of 6 centimes as in the first and second zones.

"To what extent they are subject to other 'corvées' depends entirely upon the demands of the state authorities in the district. The villagers are naturally dependent to a certain extent upon the men to carry the food tax to the state posts; but the law recognizes the right of the 'commissaire de district' to call upon the men for purposes of portage in the district. I am not aware that such portage is demanded to any large extent, and, indeed, the needs of the chikwangué-carrying almost precludes the State from levying anything but a very small percentage of the male population for portage, as the food tax is required to be carried to the state posts every four or eight days, according to the distance of the towns from the state receiving posts throughout the year.

"The natives complain very bitterly of the hardship of this tax. I am informed by the natives themselves, the missionaries, and from intelligent natives who have received good educations and whose testimony I should accept without reserve, that the women are constantly at work to supply this tax. To such an extent is this true that it is impossible for any one of them to leave their towns at any time for fear of the consequences of a shortage in the supply, for which they are liable to punishment.

"I have received several complaints from the natives that no reduction was made to them for reason of sickness in their towns, and I am told by the authorities, to whom I mentioned this complaint, that the natives in many cases address such complaints only to the receivers of taxes, who are not authorized to grant reductions and who it would appear take little or no interest in the natives, instead of to the 'commissaire de district' or the judicial authorities. I was further informed that the competent authorities had received no complaints from the natives since the application of the June, 1906, decrees; and this statement would appear to confirm the opinion that the natives made their representations through the wrong channels.

"In summarizing the foregoing report, the most important points are:

"1. The severity of the tax upon the women, which I am told, on good authority, has seriously reduced the birth rate in the towns.

"2. The constant work involved by making chikwangué almost every day, and which is required to be delivered every four or eight days.

"3. The frequency with which the taxes become due curtails the freedom of the native to such an extent as to preclude him from doing anything which would be of material benefit to himself or family.

"The reason for making the chikwangué tax payable in such a constant manner, and in such short intervals, is that it spoils in a few days, and unless quite fresh it is almost uneatable.

"With regard to the portage of the food, which devolves upon the men, I would point out that it does not, as far as I am able to find out, require all the men in the town to carry the tax to the post on each market day, and the reason that women and children are often employed in carrying out this 'corvée' is that the men are to a large extent engaged in the making of new plantations, hunting for game, which forms a large portion of their customary food, etc. This would account for the misstatements so often made that the men do no work, and leave it all to the women. Native customs define clearly the duties of men and women, and do not differ widely in this respect with European customs, and although the duties of the former are perhaps more varied and thus less burdensome, the degree of those duties is none the less important to the welfare of the town.

"The men's duties as applied to towns and districts paying taxes in chikwangué are, perhaps, at the present time of very small importance, but this is due to the fact that they have no business, having practically nothing left to them to trade with. A very important item in the native man's duty is the construction and repairing of their houses, which, judging from the condition of the houses in every part of the State that I have visited—with the exception of the state camps, which are admirably built, and none more excellent from every point of view than those at Leopoldville—would go to prove that the extent of their duties to the State were exceedingly heavy.

"Since my arrival in Leopoldville in April last I have heard of no cases of imprisonment or restraint of any kind being imposed upon the natives for shortage in their taxes. Exceptional leniency in this respect would seem to prevail; nor do I believe that such punishments have been inflicted, and this consideration toward the native would be proved by the fact that I knew of a village close to Leopoldville that had failed to bring in its tax for several months."

Further on Mr. Armstrong says:

"In the adjoining French colony the price of chikwangue is higher than in the Kongo Free State. This is due to the fact that in the French colony the price of foodstuff is governed by the supply and demand of a free market."

Again:

"A market has now been built at Leopoldville, and the natives who are free to dispose of their foodstuffs are gradually being brought to avail themselves of the benefits it affords.

"It is obvious that the reform decrees as applied to this district are quite inadequate."

Mr. Vice-Consul Armstrong reports in his dispatch of the 17th December, 1907:

"From N'gongo I went to Lishoko, a small village near the state post of M'bongo. The people of this town make 250 chikwangues, which have to be taken to the state post, about 6 miles distant, every four days.

"The village and its dependencies number 26 working men. It formerly contained 30, 4 having run away to Bolobo.

"The supply of chikwangue is the woman's tax, and the men have to supply palm leaves and string for roofing houses and large mats, which are eventually sent to the new state post at Inongo.

"The conditions of the people here are identical with those of other villages supplying chikwangue."

In his report on his tour to the Lake Leopold II district in August, 1907, Mr. Vice-Consul Armstrong reports as follows:

"The length of the M'fimi River, i. e., from Mushie to the entrance of Lake Leopold II, I should judge to be about 150 miles, and the inhabitants upon its banks belong to the Ba-boma tribe.

"The people of these river villages supply a chikwangue and fish tax to the State. I was unable to find out the amount in kilograms which the towns at which I stopped supplied, but I presume the tax is everywhere the same, and none the less burdensome than in other parts.

"At the village of Moleke, situated at a distance of about 40 miles from Mushie, the people supplied 50 'bunches' of chikwangue and 50 'bunches' of fish every week, which they have to deliver at Mushie by canoe. The 50 'bunches' of chikwangue I presume to mean 50 kilograms.

"The state valuation of the kwanga is 4 centimes per kilogram.

"The natives complained that they received practically nothing for their tax, which occupies the greater portion of their day's work.

"They are supposed to be paid at the rate of 4 centimes per kilogram for their chikwangue, which, if carried out, would mean that the village tax in money would amount to 104 francs per annum, and in return they would receive 104 francs' worth of merchandise; but the valuation is a purely arbitrary one, since, by the system of monopoly no competition exists, and therefore no relative value can be attached to the produce. No one but the state agents visit this part of the country, with the exception of the Roman Catholic missionaries, who travel on state steamers, and who profit by the prices fixed by the State.

"The people are paid by the State in trade goods for their produce, and as the transport of merchandise upon the river steamers from Leopoldville to the Lake Leopold II costs 90 francs (3l. 12s.) per ton, the prices of merchandise, which consists chiefly of cotton cloth and salt, are very high. I found that a yard of ordinary cotton cloth costs 1.62 francs per fathom; whereas salt, which is of a very good quality, is valued at 2 francs per kilogram."

Further on in the same report Mr. Armstrong says:

"From Inongo I crossed the lake to N'celenge, a native village on the lake, about an hour's steam from Inongo, the place of delivery of the rubber tax of a group of villages. This village consists of about 100 people. Their tax to the State is 200 chikwangue and 200 fish, which has to be taken across the lake to Inongo in canoes every day. There are 40 women in the town, and each one has to deposit 5 chikwangas on the beach every morning, each weigh-



ing about half a kilogram. This foodstuff is valued by the State at 4 centimes per kilogram, and the natives are paid accordingly.

"The native labor is valued at 8 centimes per day, or 2 francs 40 centimes (1s. 11d.) per month in addition to their food (chikwangue), which is supplied to them by the State, who in turn levy it as a tax upon the people, giving them a small remuneration of 4 centimes per kilogram for their work.

"The natives of this village complained only of their remuneration, and not of the endless work imposed upon them, their reasons being that they worked rubber, to obtain which they had to go very long distances, there being none left in the forest surrounding their village.

"The State have appointed one of the villagers as capita, and his duty is to see that the taxes are duly paid. He informed me that it was very difficult to make the people supply the amount demanded by the State, and that they were often short in their deliveries, for which they receive no punishment, generally speaking; occasionally a messenger would be sent, who would chastise those who were short. It happened that after I had left this village on a visit to the interior towns one of these messengers was sent to N'celenge, and the captain of my steamer, whom I had left at the village awaiting further instructions, tells me that this messenger caught several people, chastised them for not having brought over their daily tax to the state post of Inongo, commanded two or three fowls for himself, and threatened them with imprisonment if they did not at once fulfill their obligations.

"It is most important that the State should receive their foodstuff regularly, otherwise their workmen would be short of food.

"The chief of N'celenge had no authority whatever over the people, being unable to relieve them of their work or benefit them in any way."

Mr. Vice-Consul Michell says in his report of the 23d March, 1907:

"With regard to women, the making of kwanga, etc., has always been in force, and many kinds of work have long been performed by women. But it has not been publicly understood that both husband and wife have to 'pay taxes.' This is frankly declared by M. Lantonnois (p. 366), 'Ainsi que vous l'aurez remarqué, l'Article 2 du nouveau Décret pose le principe de l'impôt en général, sans faire de distinction entre les sexes.'"

Here is what Mr. Michell says in regard to the plantations instituted by the State, and the encouragement given to native agriculture:

"The other wild fruits of the forest form the staple food of the natives, and their cultivation is a matter of perfect indifference to the State. It will be noticed that in the section on agriculture nearly the whole space is taken up with (1) india-rubber, (2) cocoa, (3) coffee, (4) spices, and other products purely for export. Such articles as do not pay for export, as, for instance, cocoa and coffee, are being abandoned, only sufficient being raised to supply the state agents.

"All the efforts of the botanical gardens at Eala are directed to raising plants that will pay. Those which only serve for native consumption, such as bananas, manioc, sugar cane, maize, rice, sesame, and monkey nuts are left entirely to the natives to cultivate or degenerate as they will. The natives owe nothing that they eat to the Government; rice was introduced by the Arabs, and the State lays a very heavy tax on it. The paragraph on page 139 seems to imply that the State plants rice; this is not the case. The Mahomedan population and time-expired soldiers and workmen are compelled by the State to plant rice, which the State buys from them at such a ridiculously low price that it amounts to a severe imposition upon these classes. The 1,000 tons of rice 'negotiated on the market of Stanleyville' has been one of the heaviest burdens that district has had to bear.

"Kwanga and smoked fish are native inventions and fabrications. The State, instead of favoring these products, nearly strangles them with incessant heavy impositions.

"The policy of the State is well illustrated in the case of cotton. Although there is no reason why the cultivation and manufacture of this fiber should not become an important industry, as in northern Nigeria, the State does nothing to favor it, as it does not pay for export. The plant is widely distributed and grows freely, but the valuable oil to be extracted from its seeds seems to be entirely unknown. The natives are greedy of oil and use great quantities, which they extract laboriously from peanuts, sesame, and palm kernels. I have suggested the use of cotton-seed oil to many chiefs, but they had never heard of it before. There are many other products which grow freely, such as fennugreek, chick-peas ('garbanzos'), ginger, cloves, onions, vetches, and all kinds of

leguminous plants, which would be of immense value to the badly fed natives and their flocks, but which would require the encouragement of the State. Needless to say, the Government does not give the subject a thought, but contents itself with saying, 'It is difficult to induce the native to undertake the cultivation of anything more than the needs of his own existence require.'

#### PRODUCTS OF THE DOMAIN.

##### RUBBER.

The collecting of copal, whether as fossil or resin, involves no hardship and the commission of inquiry received no complaints on the subject. His Majesty's Government need therefore not dwell on this point. It is, however, otherwise with rubber. The collection of rubber is by far the most important and the most oppressive tax in the Kongo. It is the main subject of complaint as constituting a breach of Article VI of the Berlin act. Rubber is obtained by means of incisions made in the bark of certain trees and vines, and collecting the rubber in special receptacles into which the latex flows. After a few hours these cups are emptied, and the contents, allowed to coagulate, are brought to the government station in different forms, varying according to the district. In spite of the regulations for the preservation of the vine, the native often cuts the vine instead of making the incision, in order to enable him to obtain the latex more rapidly. The commission were entirely unable to estimate the wealth of rubber in the State. It is a much disputed point, but they expressed the opinion that an exploitation which has lasted a good number of years has caused the exhaustion of the supply in the immediate vicinity of the villages.

This is an important point, as the greater the distance which the native has to go to collect the rubber the greater becomes the hardship of the tax.

This fact, the commission said, explains the repugnance of the native for collecting rubber, which in itself is not a peculiarly unpleasant task:

"Dans la plupart des cas," say the commissioners, "en effet, il [l'indigène] doit, chaque quinzaine, faire une ou deux journées de marche, et parfois davantage, pour se rendre à l'endroit de la forêt où il peut trouver, en assez grande abondance, les lianes caoutchoutières. Là, le récolteur mène, pendant un certain nombre de jours, une existence misérable. Il doit se construire un abri improvisé, qui ne peut évidemment remplacer sa hutte, il n'a pas la nourriture à laquelle il est accoutumé, il est privé de sa femme, exposé aux intempéries de l'air et aux attaques des bêtes fauves. Sa récolte, il doit l'apporter au poste de l'État ou de la Compagnie, et ce n'est qu'après cela qu'il rentre dans son village, où il ne peut guère séjourner que deux ou trois jours, car l'échéance nouvelle le presse. Il en résulte que, quelle que soit son activité dans la forêt caoutchoutière, l'indigène, à raison des nombreux déplacements qui lui sont imposés voit la majeure partie de son temps absorbé par la récolte du caoutchouc."

It was scarcely necessary to remark, said the commission of inquiry, that this state of affairs constituted a flagrant violation of the law of "forty hours."

"Selon nous," they said, "la seule manière de mettre les nécessités de l'impôt d'accord avec le texte et l'esprit de cette loi consisterait à espacer considérablement les échéances. De cette façon le temps absorbé par les déplacements imposés à l'indigène pour se rendre à la forêt et en revenir perdrait de son importance, et le Décret qui fixe à quarante heures par mois le travail réclamé du contribuable pourrait recevoir une équitable application, si la quantité de caoutchouc demandée est sagement fixée et cesse d'être, comme aujourd'hui, un maximum rarement atteinte, qu'il est permis de croire exagéré." On objecte l'imprévoyance qui fait le fond du caractère indigène, et l'on croit qu'il serait toujours tenté de retarder le moment où il devrait se mettre en mesure de satisfaire à ses obligations. Toutefois, nous pensons qu'on pourrait, sans grand inconvénient, réclamer du contribuable l'acquiescement de sa dette tous les trois mois, par exemple, et alors, au moment voulu, le blanc rappellerait au nègre insouciant ses devoirs. Les séjours dans la

<sup>a</sup> La quantité de caoutchouc demandée à titre d'impôt varie généralement d'après les localités. Il serait impossible à la commission d'indiquer même approximativement quelle est la quantité qu'un indigène, une fois arrivé sur le lieu de la récolte, peut obtenir en quarante heures de travail. Les opinions les plus diverses ont été émises à ce sujet. Tout dépend de la richesse de la forêt et parfois du hasard. Mais le fait constaté dans l'A.B.I.R. et signalé ailleurs encore, que l'indigène, après un long séjour dans la forêt ne rapporte souvent qu'une quantité bien inférieure au taux de l'imposition, nous permet de croire que ce taux est, en général, exagéré.

forêt devant être plus longs, mais moins fréquents, le récolteur jugerait sans doute utile de s'y construire un abri plus commode et de s'y faire accompagner par sa femme, qui pourrait lui préparer sa nourriture accoutumée.

"De plus, dans la pensée de la commission, l'impôt devant nécessairement être collectif, à cause de la difficulté de dresser les rôles nominatifs, les inconvénients résultant de l'espacement des échéances seront sensiblement atténués, et, d'autre part, il pourra être tenu compte, dans une plus large mesure, des convenances personnelles des contribuables.

"Il va de soi que si, dans certains cas, l'impôt collectif ayant comme corollaire l'espacement des échéances n'était pas établi, il faudrait dans le calcul des heures de travail, avoir égard au temps que prennent à l'indigène les déplacements inséparables de la récolte du caoutchouc."

The secretaries-general, in their report, referring to the suggestion of the commission of inquiry that the intervals between the payments of the tax should be extended, said that the new decree had taken it into account by laying down that in principle the tax was payable monthly ("par douzième"); it further empowered the "commissaires de district" to fix the dates on which the tax should fall due at intervals of two or more months, according to local requirements and the needs of the population.

At every station would be publicly posted a copy of the list of the taxpayers of region. Every taxpayer could there ascertain the amount of his tax, the mode of payment, and the date of collection.

Article 29 of the new decree provided that the governor-general, in exceptional circumstances, might by order remit the native tax either in whole or in part. Article 2 of the law exempted the native, if physically unfit, from the payment of the tax, since the article only applied to the able-bodied. The provisions of article 29 contemplated cases of a more general remission, such as the case of a people stricken with disease—sleeping sickness, for instance—or afflicted by some calamity, who might be unable to fulfill their duty.

The law, said the secretaries-general, could not do more than set up these general rules. It would be the duty of the higher local authorities to subject the agents entrusted with the collection of the tax to the continual and vigilant control which the former had been ordered to exercise. These agents—on whose decision did not depend the amount of the tax, since their powers were limited and defined; who were punishable for abuse of power; who were without direct interest in the yield of the tax—were called upon to discharge their functions in the Kongo under the same conditions as those of the fiscal agents of any other colony. If the provisions of the law were strictly applied, as should in future be the case, the criticisms which the commission made when examining the different kinds of taxes could not be repeated, neither with regard to the amount of the tax, its continuity, nor the indiscriminate employment of force. The disadvantages arising from the necessity of the taxpayers having to travel great distances equally found their remedies in the greater intervals between the dates when the tax fell due. The governor-general was already in a position to affirm that these intervals had been fixed in agreement with the native chiefs, so as to obtain the desired result.

Now let us compare these reassuring statements of the secretaries-general with the actual state of affairs at the present moment, as reported by His Majesty's consular officers and the United States' consular-general at Boma since the issue of the reform decrees.

Vice-Consul Michell says:

"The imposition of taxation on both men and women is not only a hardship, but an unmitigated evil. In one case that I know of the whole population was constantly at work. At Liboko, on the Lindi, there are three large villages all the men of which were employed for about twenty-two days in every month making rubber, making baskets, and then carrying it to Bengamisa. The women accompany their husbands for a part of the time; the rest of the month is taken up by carrying loads for the state transport between Kaparata and Bengamisa. All the portage between the mouth of the Lindi and Banalya, on the Aruwini, is to my knowledge done by the women. The children are not compelled to accompany their parents, but they generally do so, because if they stay in the village the sentry, or, as he is now called, the 'messenger indigène,' finds work for them to do, carrying sticks, leaves, and other building materials. The consequence is that a school which was started in the triple village, with 100 names on the book, by a native teacher, at the urgent request of the chiefs, dwindled away to nothing in a few days. The people made a great feast on the opening of the school, but the 'messengers' (there



were four of them) reported that it would interfere with the collection of rubber, and it was suppressed by the agent at Bengamisa. On my reporting the case to the 'chef de province' the agent was removed, and the school was allowed to reopen. But this is only one village of which I happened to hear. The abuse is likely to occur, and doubtless exists all along the Lindi and probably in many other places.

"It is difficult to see what advantages such a system secures to these 'tax-payers.'"

Vice-Consul Beak says, reporting on his tour in the Katanga:

"I am unable to quote figures, but, as in the case of the lower Kongo, every station between Ponthierville and Kabombo, where the rubber zone may be said practically to end, reports a decrease in the yield. The reports of forest inspectors, the most reliable informants, are most disheartening. They tell of the wholesale and wanton destruction of valuable vines by the native in order to comply with the Government's demands. These reports are confirmed in general by those received from native sources. The natives declare that 'rubber is no longer like the waters of the Kongo, nor like the stones at Matadi,' and that they must 'go far' to find it."

In another report Mr. Beak says:

"The villages immediately to the south of the fifth parallel are taxed in rubber, which in this vicinity is, or rather has been, fairly plentiful, and for this purpose they again are grouped under local chiefs. They take rubber to the post of Tshofa, on the Lomami. In this section I found dissatisfaction very general and complaints numerous. Although the information given is from purely native sources, I have adequate reasons in this particular case for believing it to be correct.

"Four instances will, I think, suffice:

"1. Village of Manene Lubangi: Rubber tax, 240 kilograms every two months to be delivered at Tshofa, on the Lomami. Receipts for month of January, 1907, 130 kilograms. Rubber to be found four days distant from village, thence to Tshofa, a journey of ten days. Rubber scarce. Collection takes up whole time of all inhabitants. This village pays neighboring chief three goats a month for permission to cut rubber in his territory.

"2. Village of Bena Hamba: Tribe, Balubas. Tax, 12 kilograms of rubber every two months, for which natives pay 2 dotis (6s. 8d.). Rubber plentiful close to village, but few people to collect it because sleeping sickness has reduced population from 200 to 40.

"3. Village of Katangi: Chief, Wwana Kasongo. Tribe, Bena Kumbi. Under 'poste' of Tshofa, on Lomami. Population of Bena Kumbi group of villages, 302 men. Rubber tax, 351 kilograms every two months. Amount paid already: 15th January, 98 kilograms; 10th April, 70 kilograms. In 1905 these villages furnished 2,797 kilograms of rubber to the 'poste de muebe.' Among them is one refractory village, Bena Missi, which refused to collect rubber. A month ago the chief sent thither his brother, whom the inhabitants killed. This fact not yet reported to 'chef de poste' at Tshofa. Rubber used to be plentiful, but now scarce on account of white demand. Vine cut indiscriminately in spite of orders to the contrary. For this rubber collection whole village migrates temporarily to bush, where grass shelters are built. Women and children accompany men to assist and to prepare food.

"4. Village of Kassongo Kiboko. Headquarters of Moina, chief of Bena Kumbi, who is overlord of 9 villages. Appointed or confirmed on the 8th June, 1902. Pays rubber monthly to Tshofa. Formerly paid 6 bags per mensem, but now only 2, because sleeping sickness has killed more than half his people (this particular village 14 deaths out of population of 40). Rubber four days distant from village; three days thence to Tshofa. Forty men working whole month can collect one bag, for which they receive 2 dotis (6s. 8d.). Grass huts in bush; whole village migrates, etc.

"So much has already been both said and written on the evils of the rubber tax that I refrain from making any comment on the instances quoted above."

Again:

"The tax may assume various forms, professedly to suit the convenience of the natives, more really, I think, to answer the requirements of the company. The local official decides what form the taxation of his district shall take, and if he has any regard for his own advancement he will exact rubber wherever it exists. The collection of rubber involves hardships in comparison with what those of the 'corvée' and transport are insignificant. The

long list of taxation in kind serves in some degree to conceal the rubber tax, which the native loathes more than anything else. The evils of this rubber tax have been too fully dealt with elsewhere to need recapitulation."

Vice-Consul Mitchell, reporting on his tour in the Ubanghi district, says:

"At Moenge I was kindly received by M. Redard, a Swiss, in sole charge of the post. Here a very interesting condition prevails. M. Redard told me that he had never been to any of the villages of his district with a single armed man, nor had he made any effort to compel the natives to bring in rubber. He explains to the chiefs the necessity of paying the tax, and the advisability of doing so voluntarily, in order to avoid punitive expeditions, which would be conducted by military officers and not by himself. The consequence is that, without leaving his post, the monthly tale of rubber brought in has risen from 300 kilograms to 1,000 and 1,200 kilograms. This, considering the poverty in rubber of the forests of the Itimbiri, he considers extremely satisfactory, and he informed me that he intended to quote his own experience to the authorities at Brussels as a proof that the natives are amenable to mild and reasonable treatment. In other posts on the Itimbiri M. Redard's success was acknowledged, but it was attributed to the influx of tribes from other districts into his own, the population having thus largely increased.

"Doubtless M. Redard would reply that this also was due to the attraction of his treatment of them.

"From Moenge I proceeded to Mandungu, where a different method is in force. At several villages on the way I received complaints of the pressure put on the natives to bring in rubber, which, they said, was now nearly exhausted, while their natural employment was fishing and paddling. There is a sharp line of division in this country between river populations and bush folk, the two classes being usually on bad terms. Even between themselves the fishermen of one season do not combine with those of another season, and cultivators of fields are distinct from those who live by hunting, so that river people object to being taxed in rubber, and their presence in the forests is resented by the bushmen. The consequence is that M. Delforge, the 'chef de poste' at Mandungu, and Mr. Johansen, who is in charge of the detachment of 'force publique,' spend alternately most of their time in the district visiting villages with an armed escort in order to induce the people to bring in their rubber. I heard no complaints of ill-treatment, but at several villages the people were weary and depressed, affirming that the men and children had to work 'every day' for Bula Matadi."

Mr. Vice-Consul Armstrong says, reporting on his tour in the Lake Leopold II district in August, 1907:

"I was informed by the 'chef de poste' at Nioki that the villages within his district were taxed in rubber. The amount of rubber required of each adult male native was 1 kilogram 200 grams per month. This represents 14 kilograms 400 grams per annum, or a tax of 7 francs per head in money, the rubber being valued at 50 centimes (or 5d.) per kilogram. For this each native receives a remuneration of 7 francs 20 centimes in trade goods, i. e., the state valuation of his tax.

"This amount of 1 kilogram 200 grams of rubber is calculated by the State as forty hours' work.

"The natives in the district of Nioki formerly made 4 tons of rubber per month, but since the 'strict observance' (a statement which subsequent experience entirely refutes) of the law of forty hours' labor this has been reduced to 1 ton 200 kilograms per month. The 'chef de poste' informed me that the natives in his district had refused to work rubber, and were paying nothing to the State as a tax. I was unable to visit these towns, being desirous of devoting my attention to the districts on the banks of the lake.

"At the next post, N'kutu, I found that practically the same conditions prevailed as at the former place.

"No action had been taken by the State, up to the time I left, against these people who had paid no taxes."

Again:

"The village of M'pili consists of a few small huts, and contains a male population of 10 adults. Their tax to the State is 1 kilogram of rubber per man per month, or 120 kilograms per annum for the whole village, which, calculated upon a money value of 50 centimes per kilogram, the remuneration which the State allows them, amounts to 60 francs (£2 8s.) per annum for the whole village.

"This amount they are paid in trade goods, i. e., cotton cloth or salt, in the following manner:

"At the end of every thirty days, which is called market day, the tax is taken to N'celenge, a few hours distant from their village.

"The work of two men (called by the State a 'chef de groupe') is put together, which should amount to 15 strings (each man making  $7\frac{1}{2}$  strings).

"One man of each 'chef de groupe' is deputed to carry this amount to N'celenge, so that 5 men only have to appear on market days. If the amount which each man brings is of good quality, and none but the best is accepted (all inferior being burnt), he receives in exchange 2 yards of cotton cloth (i. e., 1 yard each). One string of rubber weighs when dry 170 grams, so that on market day it is wet, and must weigh more than 170 grams, as it takes about three months to dry, I am told.

"If the amount is less than that specified by the State the native receives payment in proportion to the amount which he brings.

"One of the natives of this village brought me a strip of common white domestic, about 2 yards long and 12 inches wide, which he stated he had received in payment of his rubber, complaining that he had not received his full payment, and adding that a piece of cloth of such dimensions was of no value to him.

"In answer to my questions, he stated that his rubber tax for the month had been completed.

"I mentioned this to the 'inspecteur d'état,' whom I met afterwards in the lake, and he explained to me that he had received similar complaints, but that he had in each case proved to the native that the amount specified had not been brought in.

"He also stated that the native could allow his remuneration to accumulate if he so desired, but they were 'so distrustful' of the European that they preferred to take what they were given at the time it was due.

"I do not in the least doubt the absolute sincerity of the 'inspecteur d'état,' whose statements I accept without hesitation; but in this case, from what I have seen and heard from others, I should be inclined to the opinion that the natives' distrustfulness was due chiefly to fear of the European, for, in order to maintain the present system of rubber taxation, nothing but fear of the consequences of shortage in the supply could make them fulfill their obligations and submit to a tax involving incessant labor.

"The natives assured me that they spent twenty days and nights in the forest in each month to collect the amount of their tax. They told me that they were not ill-treated by the officials; and that they were thankful the armed sentries have been withdrawn from their towns; their people were no longer killed, and that they were living in the hope that their taxes would be reduced.

"A capita resides in the village and is chosen from among the inhabitants. His duty is to see that the taxes are duly carried to the state post when they become due at the end of the thirty days, and for this purpose he has a calendar made of thirty small sticks threaded on a string, one of which he moves every day. He receives no remuneration from the State, and therefore takes a share of his townsmen's earnings.

"From M'pili I walked to N'gongo, which I believe to be the largest village on the west side of the lake.

"The village, together with a few small villages in the surrounding country, contained, according to the census made by the State, 120 adult men, 17 of whom had recently run away to the mission station at Bolobo to escape the hardships of the rubber tax, and others, the chief told me, were on the verge of departure, which I should think was highly probable.

"This village was once very large and influential, but the history of past years, which has been written by Mr. Consul Casement and Mr. Scrivener, of the Baptist Missionary Society, the information of the chief and natives who survived the treatment, and the manifest evidences of these abuses which are still witness of past maladministration, convince me that the population must have formerly been very dense.

"A number of people have fled to the village nearer the main river, and have placed themselves under the protection of the respective chiefs of the villages at which they reside.

"I refer to past abuses not with the intention of hinting that such things are still in existence, but with a view of explaining the possibility of enforcing the payment of taxes which are such a burden to the people.



"This village (N'gongo) supplies 1,440 kilograms of rubber per annum. The tax is 6 francs per head, payable in rubber at the rate of 50 centimes per kilogram. Each man therefore has to supply 1 kilogram per month. The tax therefore amounts to 720 francs per annum, for which they receive 720 francs in trade goods as remuneration. The natives work from twenty to as much as twenty-five days in the forest collecting the tax.

"It takes them eight days to get from their town to that part of the forest where the rubber grows. The distance which they cover in the eight days must be nearly 300 miles. They tell me that they very often exhaust their supply of food, in which case they are either obliged to go without or beg from some village in the neighborhood, to whom they give payment in the bows and arrows.

"The village is divided into 40 'chefs de groupe' of 3 men each, 1 of each 'chef de groupe' being responsible for the delivery of the tax at N'celenge (30 miles distant) on the market day (the thirtieth day).

"I arrived in this village in time to see the arrangements that were made for taking the rubber to the market of N'celenge. The capita and his retinue summoned the people to bring their rubber by blowing a horn. The tax gatherers assembled at his compound with the rubber, where it was counted, and a representative of each 'chef de groupe' was chosen. On the following morning they set out for N'celenge, accompanied by the capita.

"I then proceeded to the state post at M'bongo. The officer in charge had unfortunately left two days before my arrival, so that I had no opportunity of obtaining information as to the distances the natives went to gather rubber.

"The post had formerly been a very large one, but now shows signs of having been neglected.

"I was informed by my interpreters, one of whom was a native of the village of N'gongo, and the other who had made a journey through this country some two or three years previously, that this town of M'bongo was once very large. All that remains to-day is a population of perhaps 20 people, living in a state of filth it is difficult to describe.

"I returned to the lake via N'gongo to M'bali, an old state post on the lake.

"This town, or group of towns, comprises 60 adult men. Their individual tax to the State is 1 kilogram 200 grams of rubber per month. These people are obliged to go to the district in close proximity to the state instruction camp at Irebu on the main Kongo River to find rubber. The people state that it takes them seven days' walk to get into the rubber forest and six days' actual work in the forest to make their tax.

"This is the more significant seeing that upon examination of their tax paper I found that the average amount of rubber they had supplied to the State as a tax in the first half-year of 1907, viz, from January to May, inclusive, averaged 25 kilograms per month, whereas the amount they should have supplied was nearly 60 kilograms per month. This bears out the statement that it is impossible to make the amount required in a month.

"The villagers complained that they receive no pay for their work, and seeing that they are paid in cloth at 7½d. per yard, or salt at 1s. 11d. per kilogram, at the rate of 50 centimes per kilogram of rubber, it was impossible that they could have received more than a very small payment. The capita told me that he had been often beaten and imprisoned for shortage in supplies.

"The rubber on the west side of the lake is practically worked out, and that which remains is scattered over the country which is at a distance of from 25 to 30 miles from the Kongo River.

"I left M'bali and proceeded to the country at the extreme northeast and northwest of the lake, visiting Lukanga, Lomi, and Bolia on its banks, and from Lomi I went overland to Bolia, passing through the largest and most important town I have seen in the Kongo Free State, viz, Ikebe.

"At Lukanga and its surrounding villages there are 33 'chefs de groupe,' that is, 99 men, and the tax is 99 kilograms of rubber per month, or 1 kilogram per man monthly.

"The capita, who is an old employee of the State, stated that the people of this village went to Irebu and Lake Mantumba for their rubber.

"The men were absent when I arrived at the village, and the capita said they had been gone seven days when I arrived, and he further informed me that the taxes here were payable every fifteen days, and that the people went out for ten or twelve days twice monthly. I afterwards found out that the reason of this double tax was that they never brought sufficient in the first ten or twelve days, and consequently it took them a further ten or twelve days to make up arrears.

"According to their tax paper, they only supplied 596 kilograms of rubber during the whole of the year 1906, which would go to prove that the present tax is excessive.

"At Lomi the chief told me that he had about 40 men, and their tax papers showed the number as 45, viz, 15 'chefs de groupe' of 3 men each. Their tax was 45 kilograms per month.

"The village, he told me, was divided into two parts, taking their rubber alternately to the post every fifteen days. The people go to the borders of Lake Mantumba for the rubber and spend a great part of their time in the forest.

"They say they receive no pay, and the chief tells me that he was recently imprisoned at Bolia for six weeks.

"At Boliabompoti there were 30 workingmen, i. e., 10 'chefs de groupe,' who should supply 30 kilograms of rubber per month. They stated that there was very little rubber in their district, and that they had to go to the Lake Mantumba country to find it. They spend from twenty to twenty-two days in the forest.

"I was informed that 3 men had been imprisoned two weeks before my arrival, but had been released shortly afterwards.

"They complained that they received little or no payment. Upon examination of their tax papers I found that they had only supplied a fraction over 43 kilograms of rubber in the first six months of this year, i. e., from January to June, inclusively, whereas they should have supplied 180 kilograms, or 30 kilograms monthly.

"Upon my arrival at Botuale, the next village, there was not a person in the village. It appeared to be quite new, and in two huts there were fires still burning. Soon after my arrival an old woman appeared, who told me that the chief would return to the village on the following day.

"The men, with the exception of the chief and capita, and 2 others, who had gone to the next town of Ibeke to deliver their rubber, were in the forest collecting their tax.

"The chief arrived in the night, and a few more women gradually returned to the town from their hiding places in the bush when they found that there was no danger.

"The town consisted of 10 workingmen, a few women, and only 2 children, one a boy of about 12 years and the other a girl of 4 or 5 years.

"The capita had no tax paper, as he told me that they were under the chief of the village of Ibeke.

"Their tax was 1 kilogram of rubber per head.

"On the following day 2 men returned from taking their rubber to Bolia, about 35 miles distant. They had taken 15 strings, about 22 kilograms 400 grams, and had received in remuneration 1 yard of blue baft cotton cloth. They told me that their tax had been complete, and that the state officer had ordered them to return with more rubber in ten days' time.

"They told me that they spent the greater part of their time in the forest surrounding Lake Mantumba, and complained of the hardships of travel and work in the forest, which, for the greater part of the year, was under water.

"I then went to Ibeke, the largest and most influential village in all the lake district.

"The village, together with small outlying villages, contains 981 adult men, divided into 327 'chefs de groupe,' and they supply 3 kilograms of rubber per group, i. e., 1 kilogram per head, or 981 kilograms per month.

"The capita of this town, who is a son of the Chief Ilanga, is also responsible for a further group of villages containing 135 men, who likewise supply 1 kilogram of rubber per head per month.

"According to tax papers in possession of the capita of Ibeke village, the natives had only supplied 4 tons 412 kilograms of rubber for the first six months of this year (1907), instead of 5 tons 986 kilograms, the amount assessed.

"The chief, capita, and people were unanimous in declaring that they, the rubber gatherers, spent only four days per month in their village, the remainder of their time being spent in the forest making rubber.

"In confirmation of this, I repeat a statement made to me some days after having visited these towns by a native employee of the post of Bolia. This man appeared, from his statements, to be a messenger of the post, his duty being to carry letters for the state officers at Bolia to the state post at Bikoro, on Lake Mantumba, and also on rare occasions to Coquilhatville. I questioned him as to the distances between Bolia to Bikoro and Coquilhatville,

which, he said, were three and six days, respectively. The 'chef de poste' at Bolia told me he thought it would take eight days to go from Bolia to Bikoro.

"The messenger told me that to make the aforementioned journey in three days required forced marches, and that the rubber gatherers would take four or five days. The roads, he said, were inundated with water at nearly all times of the year. In reply to inquiries as to the time the rubber gatherers spent in the forest collecting their tax, he informed me that they spent from ten to fifteen days actually in the forest. In explaining the hardships of their work, he also told me that they very often exhausted their food supplies before their tax was complete, in which case they went to Ikoko, an American mission station and native village on Lake Mantumba, to purchase food, and for which they had to pay very dearly to the natives. Having made inquiries from the mission at Ikoko, I obtained confirmation of this statement.

"Between Ibeke and Bolia there is a series of small villages, and these, together with the other villages which I did not visit, form what is called the 'chefferie' of Bolia. This group contains 1,695 workmen, who are taxed 600 grams of rubber per head per month, i. e., 1 ton 17 kilograms per month.

"This part of the country seems to be still fairly thickly populated, and the state census for the Bolia 'chefferie' for this year estimates the number of women and children at 4,030.

"I spoke with the capita of Ibenga, who told me of the imprisonment of his people, as reported in the previous pages of this report. He informs me that the distance from his village to the rubber forest was only two or three days, which proves that the task of these people is far easier than that of any village I visited.

"When I returned to Inogongo I had an interview with the 'commissaire de district,' and he asked me if I had heard of any abuses committed against the natives. I informed him that I had heard of only one case in which a native had been killed by a sentry in the village of Bokoki. My informant insinuated that the 'chef de poste' at M'bongo had heard of the matter and inquired into it as soon as it had happened, and had tacitly agreed not to report it so long as he made the people work. I did not tell this to the 'commissaire de district,' as when he asked me the question quoted above the matter had entirely escaped my mind, and as he read me a dispatch on the subject from the 'chef de poste' at M'bongo, which he seemed to have received soon after the complaint had been reported to me, stating that 'the charge was quite untrue, for the reason that he (the "chef de poste") had never heard anything about it.' My informant might have been charged with maliciously calumniating a state officer, in which he would have been seriously handicapped, seeing that the 'commissaire de district' had ordered the 'chef de poste' himself to immediately constitute an inquiry—he being an officer of the judicial police—pointing out to him that 'his not having heard of the matter was no reason in support of his view that such an act had not been committed.'

"I then mentioned to him the conclusion I had formed as to the taxation, saying that the people worked from twenty to twenty-five days per month. He stated that he had received similar complaints of a sufficiently serious nature as to have inspired him to write to the 'inspecteur' suggesting a revision in the tax with regard to its application, being so modified as to conform with the fundamental principle of forty hours' labor per month.

"There is not the slightest doubt in my mind that the average month's work of every native is not less than twenty days.

"Mr. Murdoch, in his article which appears in the weekly edition of the 'Times' of the 1st November, states that the natives are required to bring in 15 strips of rubber each. According to their tax-papers this is not the case, as 15 strips of rubber would weigh, as Mr. Murdoch says, in giving the weight of a strip he purchased and which I saw weighed, 2 kilograms 550 grams, whereas the individual tax is not calculated at more than 1 kilogram 200 grams anywhere, as far as I know. The natives brought each 30 strips, he says, which being the case they brought more than their tax. These people were evidently from the village of N'gongo, as this was the only village which supplied more than they were actually obliged to.

"He refers to the 30 strips of rubber being the work of two men, in which case their statements to him did not coincide with what they told me or with the conditions of the tax-paper—which divided the village into 'chefs de groupe' of three men—so that 30 strips of rubber represented the work of three men



and not two. And even this would be more than the amount of their tax, as  $7\frac{1}{2}$  strips equal, roughly speaking, 1 kilogram 200 grams. I also purchased a strip of rubber which, when weighed two months afterwards at Leopoldville, contained 170 grams.

"This is a discrepancy of small moment, since the importance of the tax, whether it is of 1 kilogram or 10, rests upon the time taken to produce that amount. I accept absolutely the statements of Mr. Murdoch and the natives as to the distances the natives cover to obtain the amount of their tax.

"The people in the Yambata district complained that they spent the greater part of their time in the forest, and as their tax was 3 kilograms of rubber per month, as compared with the amount of 1 kilogram 200 grams imposed in the Lake Leopold II district, it would appear that the amount of the tax was fixed more with a view to obtain as much rubber as possible than to adhere to the law of forty hours' labor.

"The native is remunerated at the rate of 50 centimes per kilogram for the rubber he produces, and despite their statements to the contrary, the tax papers show that they receive this amount, and I believe they are paid, with the exception of one or two rare instances, and these are not paid probably by reason of their continual failure to adequately fulfill their obligation, which is in almost every case impossible.

"The following is an estimate of the profits of the State on their rubber tax. I take the village of N'gongo as being a large one, and one of the few villages that supply the amount actually assessed:

Amount assessed yearly, 1,440 kilograms of rubber.

|   | £   | s. | d. |
|---|-----|----|----|
| 1,440 kilograms of rubber at 10 francs.....             | 576 | 0  | 0  |
| Amount paid to natives at 50 centimes per kilogram..... | 28  | 16 | 0  |

"I calculate the rubber at 10 francs per kilogram, the value placed upon it by the State in the commercial report issued this year. The market value in Antwerp is from 12 to 13 francs per kilogram. From this amount of £576 must be deducted the cost of transport, which can not be more than 2 francs per kilograms rendered at Antwerp, so that the net profits derived from this one village would be a little more than £456 per annum. One hundred and twenty natives, together with their wives and children, which would bring the population of the town to about 400 souls, share this amount of £28 16s., and as this is paid in cloth at  $7\frac{1}{2}$ d. per yard and salt at 1s.  $7\frac{1}{2}$ d. per kilogram, it is evident that they can not receive very much each, and that they complain of their remuneration. The cost of administration I have, of course, not taken into account. I hear on good authority that the cost of administration increases the value of the rubber to the State to not more than 1 franc per kilogram. The State could therefore well afford to be more generous in the respect of remuneration, seeing that nothing whatever is spent on the development of the country for the good of the natives. Even the State capita receives no wage, and, as I have said, participates in the remuneration given to the workmen."

The interesting and valuable account given by Mr. Smith, the United States consul-general at Boma, in his report to his Government, bears testimony to the fact that little or nothing has been done to relieve the native of the burden of the rubber tax. He says:

"At Yambata the opportunity for which I had been seeking, namely, to prove by a practical test the assertions of the natives as to the time necessary to gather 3 kilograms of rubber, presented itself. It was claimed by all the state agents whom I had questioned upon the subject that the tax was not excessive, it being easily possible to gather the amount of the impost within the forty hours monthly prescribed by the law as the maximum of time the native must labor to fulfill his obligations to the State. It was contended that the native idled his time away in the forest in the search of game; that, in substance, he did not apply himself to his task. The 'chef de secteur' at Yambata was apparently so certain of this that I requested permission to take a number of natives into the forest, set them at work gathering rubber for a given time, and thus prove to my own satisfaction whether their complaints were or were not reasonable and just. The 'chef de secteur' willingly consented, apparently confident, from the state's standpoint, of the successful result. Accordingly five natives were chosen from one of the villages and placed in charge of one of the state capitas. It was arranged that these five men should work for four hours each, or a total of twenty hours' work, in which time, to correspond to the tax imposed and the maximum of forty hours, they were supposed to pro-

duce 1½ kilograms (1,500 grams) of rubber. The place selected for carrying out this experiment was at one hour's march through the forest from the post, and was chosen by the 'chef de secteur' as being especially rich in rubber vines. The men also were of his own choosing. I had nothing to do with this part of it. Arriving on the spot, two of the men were put at work under the surveillance of Mr. Memminger and Mr. Dodds, the other three under the 'chef de secteur' and myself. All the men had been promised an adequate remuneration and exemption from their taxes for the following month by the 'chef de secteur' as an incentive, and certainly not a slight one, to do their best. I can testify to the fact that these men did not lose a minute from the time we commenced work until the expiration of the four hours. The vines were numerous, and but little time was taken up in the search for another when one had been exhausted. The rubber was delivered to me and carefully weighed upon my return to the post, with the following result:

|                                      |        |
|--------------------------------------|--------|
|                                      | Grams. |
| Two men gathered each 200 grams----- | 400    |
| The other three-----                 | 250    |
| Total weight-----                    | 650    |

"An analysis of the result works out as follows:

"Collectively: Twenty hours' labor should have produced 1,500 grams. Twenty hours' labor actually produced 650 grams, or 43 per cent of tax imposed. To gather the quantity required, these men would have been obliged to work an average of ninety-three hours each per month, or eleven days five hours at eight hours per day—one hundred and forty days each year.

"Individually: Four hours' labor should have produced 300 grams. Two men actually produced in this time each 200 grams, or 66⅔ per cent, of tax imposed. To gather the quantity required these men would be obliged to work an average of sixty hours each per month, or seven and a half days, ninety days each year.

"And again: Four hours' labor should have produced 300 grams. Three men actually produced in this time an average of only 83⅓ grams, or about 28 per cent of tax. To gather the quantity required, these men would be obliged to work an average of one hundred and forty-four hours each month, or eighteen days, two hundred and sixteen days each year.

"In considering the above, it must further be borne in mind that the time necessarily occupied in reaching the locality and returning is not calculated. This would, of course, relatively reduce the amount gathered within the given time, and increase the average time necessary to produce the quota demanded by the State. It must also be remembered that the element of chance enters largely into the question; the two men who secured 200 grams each were fortunate in finding large vines immediately after entering the forest; the other three were not, and although they worked fully as hard, only succeeded in securing 83⅓ grams each. If, to be perfectly fair, we accept the average time employed by the five men as a basis, and add thereto eight days each month for the time necessary to reach the place and return (eight days is not excessive as an average of the time thus employed), we find that these men must labor nineteen days and five hours each month, or practically two hundred and thirty-six days each year. During the month, if they produce 3 kilograms of rubber, it is worth, according to the latest market value at Antwerp, 12 francs 50 centimes per kilogram, or 37 francs 50 centimes. They receive for this a machete, upon which the State places a valuation of 1 franc 10 centimes, and a small handful of salt. I purchased at Leopoldville from an English trader two of the same machetes for 50 centimes each."

His Majesty's Government have carefully examined the other forms of taxation, such as portage, paddling, etc., and the evidence all tends to show that little or no amelioration has been effected as regards the burden which those taxes impose upon the native.

# CONCLUSION.

One can not rise from the examination of the subject of taxation, which has been dealt with in the foregoing pages at great length, though by no means exhaustively, without gaining the conviction that the remedies suggested by the commission of inquiry, and ostensibly adopted by the Kongo government when they published the reform decrees, have failed to introduce that large measure of reform so urgently needed in the interests of the native population.

Whatever improvements may have, and no doubt have, been effected in certain directions, the reform decrees have, according to all accounts, afforded the native but little, if any, relief in matters of taxation. We have seen that the tax in chickwangué and, above all, rubber, weighs as oppressively as ever upon the people of the Kongo, and this in spite of all the solemn assurances and explicit declarations made by the secretaries-general in their report to the King-Sovereign when submitting the new decrees for His Majesty's approval.

As was pointed out at the commencement of this discussion, the real solution of the question of taxation is to be found in the introduction of currency. It is a fact which can not be too much emphasized that without a proper circulating medium the door is as wide open to abuses as it was before the issue of the reform decrees.

The decree "*impositions directes et personnelles*" adopts in theory a monetary and a time basis. The native is given the right to pay his taxes in money, but since as a rule he possesses no coin, the practical effect of the decree is this, that in those parts, chiefly rubber districts, where the products of the soil are the property of the State or the companies in virtue of the ownership of the land, the native is assessed on a time basis at the rate of forty hours a month, and in those districts where the native is taxed in produce, of which he is recognized to be the owner, such as chickwangué, etc., he is assessed on the monetary basis at a rate varying from a minimum of 6 francs to a maximum of 24 francs a year.

Now, to regulate taxation on a monetary or time basis, and to pretend to remedy this absence of a proper standard of value by adopting tables of equivalents is a mere blind, and can only deceive the uninitiated.

When the tax is measured by time equivalents the result is much the same. Assuming that a tax in labor is justifiable, forty hours a month may not seem excessive, but in point of fact the State has never exacted a bona fide time tax, but produce measured against time. To assume that a kilogram of chickwangué or of rubber represents either ten or one hundred hours' labor must be a purely arbitrary assessment. It may be less than one or more than the other, depending on conditions. It has been seen in the foregoing pages how largely chance enters into the question. Therefore, in practice, the evidence goes to show that it is very often impossible to arrive at any conclusion as to the monetary or time basis on which the tax in any district is fixed, as even, according to Mr. Thesiger, the statements of the local officials in the same district do not correspond.

In both cases, however, it has been proved time and again that the amount due, however valued, is invariably exceeded, and it seems to be indeed limited only by the needs of the State or the working capacity of the natives.

Let us take a few concrete instances.

Around Leopoldville, as we have seen, the tax is paid in chickwangué. The tax imposed is 24 francs, and its equivalent in kind is estimated at 400 kilograms of chickwangué per head per annum. As regards the time and labor necessary to produce these 400 kilograms the reports of Vice-Consul Armstrong and the missionaries all agree that each woman has practically to work incessantly twelve months in the year. What does this mean? Incessant labor is valued at 24 francs a year, and must be rendered as a tax.

The following is taken from Mr. Thesiger's report:

"In the Lake Leopold II district, visited by Mr. Armstrong, the time occupied in collecting the rubber appears to be also twenty to twenty-five days. The rubber in the district west of the lake is practically worked out, which accounts for the average tax levied per man being only 1 kilogram per month. The state officials in this district evidently make some capital out of the reduction of the amount of rubber collected at present as compared with what was formerly brought in, and talk of the strict observance of the law of forty hours' labor. Mr. Armstrong's report shows how utterly fallacious this argument is. At Nioki it was claimed that the natives formerly made 4 tons per month, but that this had now been reduced to 1 ton 200 kilograms per month, while at M'bali, where the tax is 60 kilograms per month, the average amount accepted was 25 kilograms. Mr. Armstrong visited the latter place, and reports that the natives, owing to the exhaustion of the rubber, have to walk seven days to get to the vine-bearing forest, where they take six days to gather the required amount.

"Thus explained, the reduction amounts to nothing more than that, owing to the rubber vines being worked out in certain districts, a smaller quantity must



necessarily be accepted, but to gather it the native must work for the same or a longer period than before when the vines were near at hand and plentiful, receiving for the same number of days a lesser remuneration.

"As I have already said, the regulation of this tax on a monetary or time basis is a mere farce, the only limits being fixed by the fertility of any given area, and the collecting capacity of the native. In the rich Bengala district, visited by Mr. Smith, where rubber is plentiful, the tax is 3 kilograms per month; in the worked-out region near Lake Leopold II, where rubber is scarce, it is 1 kilogram. In both instances the tax is assessed at forty hours' labor per month, and the natives work twenty to twenty-five days out of every thirty.

"A few examples of this may be quoted from Mr. Armstrong's report:

"At M'pill, numbering 10 adults, the tax is 1 kilogram per man monthly. Time spent in the forest, twenty days. At N'gongo, 120 adult men, tax 1 kilogram per month; here they have to go eight days' journey to the forest, and it takes them in all twenty to twenty-five days to collect the rubber. At Lukanga and surrounding villages there are 99 men; tax, 1 kilogram per month.

"Here the rubber is collected twice monthly, and the people are out for two periods of from ten to twelve days each month.

"Other instances might be given, but I think these are sufficient to show that a reduction of the amount of rubber to be handed in every month does not mean any diminution of the tax, but can usually be attributed to the growing scarcity of the rubber itself, and that the nominal forty hours' labor means incessant work and privation for twenty to twenty-five days each month."

Again, Mr. Thesiger says:

"Forced labor, such as this, differs only in name from slavery, and by it the administration are enabled to feed their workmen at a merely nominal rate instead of having to buy chickwangué on the open market, or of importing rice at a considerable cost to the State. A solution of this question would be the payment to the state workmen of what is known here as 'chop money,' namely, a weekly sum for food, which each man then provides for himself. By this means the supply of local produce would be encouraged, the native producer would get a fair price, while the cost to the State would be small. It would, however, mean the introduction of a system of payment to the workmen in coin, and indirectly facilities the payment of the taxes in money—two things which the administration have no wish to introduce into the Upper Kongo.

"Mr. Armstrong's report of the 17th December, 1907, shows that in the Lake Leopold II district the price paid for the chickwangué is 4 centimes a kilogram, mentioning especially Moleke, where the village has to supply 50 bunches of chickwangué and 50 bunches of fish weekly, and the natives complain 'that they receive practically nothing for their tax, which occupies the greater portion of their day's work.' At N'celenge the tax is 200 chickwangués and 200 fish daily, and each woman having to deposit 5 chickwangués, weighing about half a kilogram each, every morning on the beach, and this amount has to be taken across the lake to Inongo every day. Here, again, Mr. Armstrong notes that they complained 'only of the remuneration and not of the endless work imposed upon them.'

"These cases bear out what I have said in the introduction to this memorandum as to the tax being limited only by the needs of the State on the working capacity of the native, as round Leopoldville, where the soil is poor, 400 kilograms a year is about the limit each woman can produce, while in the more productive forest land the quantity is about doubled and the remuneration decreased, so that the nominal money value of the tax remains unchanged."

Here, of course, we again strike at the root of the matter—currency—the introduction of which on a large scale, coupled with a freedom of trade, would almost infallibly deal a deathblow to the prosperity of the State, the concessionary companies, and their rubber monopolies.

Now, to take an instance of the rubber tax assessed on a time basis, the experiment made by the American consul-general at Yambata, with the assistance of the state agent, affords the best example. The result, as has been seen, showed that under the most favorable conditions it would take eighteen days a month, or two hundred and sixteen days a year, to collect the amount imposed as a tax, equivalent to forty hours' work a month, and this without any allowance made for the time occupied in going to and returning from the rubber forests.

According to most accounts the native is said to spend at least twenty days in the forest, without reckoning the time necessary to go and return. Here we

have again practically incessant labor rendered to the State in the guise of a forty hours a month labor tax.

There is no need to further multiply instances in order to show that the condition of the natives of the Kongo is still one of veiled slavery, notwithstanding the assurances given by the secretaries-general in their report to the King-Sovereign and of the reform decrees.

It is impossible to escape the suspicion that, while pretending to introduce real measures of reform by the decrees of the 3d June, 1906, every effort was made to render those decrees illusory and to perpetuate the system of bondage and slavery in order to swell the profits of the monopoly system.

The interpretation, already quoted, which was placed on the decrees "Frappe et Monnaie" and "Impositions Directes et Personnelles" by Vice-Governor Lantonnois, in his instructions of the 8th September, 1906, to the local authorities, clearly indicates that no real change was intended.

As regards the right of the native to pay the tax in money granted by the new decree, Mr. Armstrong and Mr. Thesiger have reported instances in which the payment of taxes in money has actually been refused by the state authorities.

It seems tolerably clear that the reform decrees concerning taxation have been rendered entirely nugatory in their effect, owing to the determined resistance which the State offers to the introduction of currency. The ignorance of the use of money on the part of the natives, which the Kongo government have always alleged as the chief difficulty in the way of a circulating medium, has been practically disproved by the statements of the commission of inquiry, by the actual experience of Mr. Vice-Consul Michell in the Lomami Company's territory, by the system of "croisettes" adopted in the Kasai Company's territory, and finally by the fact that money circulates freely among the natives on the lower Kongo.

There is a point upon which His Majesty's Government wish, in conclusion, to lay particular emphasis. It is that the taxes in labor which have in the past been exacted from the natives by the concessionary companies have been largely devoted not to objects of public utility, but to the furtherance of private interests. The amount of labor which has been, and in a certain measure still is, devoted to those ends can, in the opinion of His Majesty's Government, only be expressed in unqualified terms as slavery pure and simple.

His Majesty's Government disclaim all right to prescribe to the Kongo government any particular system of taxation, but they hold that the one now actually in existence must be so modified as to insure its operating in harmony with, and not in defiance of, the provisions of Article VI of the Berlin act.

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### No. 3.

#### *Memorandum communicated by the Belgian Minister.*

[Translation.]

In the memorandum which Sir A. Hardinge left at the ministry of foreign affairs on the 30th of March, 1908, the Government of His Britannic Majesty, without wishing to lay down definitely what reforms should be introduced in the Kongo, which would not, as they admit themselves, come within their province, gave expression to the hope that, after the annexation of the country, Belgium would introduce ameliorations into the lot of the natives by refraining from loading them with excessive taxes, by granting them enough land to permit of their trading in its products, and by allowing them to enter into direct relations with foreign merchants, who would themselves be authorized to acquire real property in all parts of the future colony.

The Government of the King are happy to take act of the assurance given by the Government of His Britannic Majesty "to abstain from any act which might be construed as interfering with the complete liberty of action of the Belgian Government in the future management of the internal affairs of the Kongo." This assurance is in complete harmony with the unanimous sentiment of the Belgian Government and chambers that they should have full liberty of action in the question of the annexation of the Kongo, and that it should be settled by them in the fullness of their internal sovereign rights.

On their side the Government of His Britannic Majesty have without doubt followed the deliberations of the commission of seventeen, nominated by the Chamber of Representatives in order to study the proposed systems of colonial

administration, and they will not have failed to recognize the importance which the Belgian Government attach to retaining full control over the affairs of the Kongo when it shall have become a colony.

In this connection, the draft colonial law submitted to Parliament can stand comparison with the systems under which other colonies are governed.

It is true that under the provisions of this law the executive possesses the right of decreeing legal measures, but it must be remembered that Parliament reserves to itself the right of actual legislation and that its decisions have to prevail. If it is impossible as yet to state definitely and in detail the measures to be introduced, it is beyond doubt that they will be inspired by the most generous sentiments.

The question of improving the lot of the natives is not less a matter of solicitude in Belgium than it is in England. It is one of the loftiest pre-occupations of our country, which is fully sensible of the importance of the civilizing mission which falls to its lot in Africa. Already the Government of the King, faithfully interpreting the national sentiment, have taken the opportunity of defining publicly in Parliament the task which they intend to carry out in the Kongo. The prime minister ("chef du cabinet") stated recently in the Senate that, while waiting for the moment when it would be possible to make the employment of currency—the use of which is already beginning to be understood by the natives—general among them, the State would see that taxation was reduced and manual labor fairly recompensed, and that it would seek to introduce an improved method of cultivation into all parts of the territory and to establish the negroes, who are still in part nomadic, on soil which would belong to them and on which they could found permanent homes. He added that their aptitude for commerce would be developed, and that they would be furnished with means of exercising it by numerous facilities for intercourse with those who bring them the benefits of civilization.

These statements were confirmed by the prime minister himself and by the minister for foreign affairs in the speeches delivered by them on the 15th of April in the Chamber of Representatives.

M. Schollaert, notably, referring to what he had said in the Senate, expressed himself in the following terms:

"Having abolished trial by the ordeal of poison, and having suppressed the slave trade and cannibalism, we must endeavor to secure greater comfort for the native population; we must extend and make general the use of currency; we must aim at securing the payment of taxes in money; we must direct our efforts toward doing away with forced labor; we must continue the efforts which have already been made to diminish the amount of labor exacted from the natives, especially in connection with portage; we must increase the property of the natives by granting them very large and very generous concessions of land; we must secure to them sufficiently numerous facilities for obtaining a good and prompt system of justice, administered in a spirit of integrity, impartiality, enlightenment, and independence."

As far as the taxation of the natives is concerned, the Government of the King consider that the amount should be proportioned to the circumstances of the taxpayer, so as to remain moderate. They also consider that the labor tax which would be required from natives unable to pay their taxes in money—a form of tax payment, the legality of which is recognized by the statement annexed to the memorandum—is only a temporary and provisional measure which is destined gradually to disappear *pari passu* with the introduction of currency, which, as the prime minister has already announced, the Government of the King have decided to promote with all their might. This means that forced labor—if by that is understood the payment of taxes in that form—will only be maintained in the Kongo subject to the same limits and the conditions of necessity in which it exists in the colonies of other nations.

In any case the principle of individual liberty laid down in the draft colonial law is free from any further restrictions whatsoever; the natives can not be forced, either directly or indirectly, with or without payment, to furnish their labor to concessionary companies any more than to any other private enterprise; labor can only be voluntary, and on terms of payment agreed upon without the exercise of any pressure.

As soon as the Government of His Britannic Majesty were aware of the language held by MM. Schollaert and Davignon, they were able to convince themselves that from the moment that the Government of the King decided to lay before the chambers the annexation project they were firmly resolved to spare no sacrifice for the purpose of attaining the end which they have set



before themselves, an end which has for its object the civilization of the Kongo, and which tends to develop the morality of the primitive races inhabiting that country, as well as to transform the material conditions of their existence.

The weight and scope of these repeated declarations before the chambers can not fail to be appreciated abroad.

Is it necessary to add that the Government of the King will set about putting them in practice as soon as the transfer is completed? It is only after annexation has taken place that they will exercise over the administration of the State the control and the powers determined by the colonial law, which will permit them to draw up, with the necessary diligence and in the spirit already referred to, the reforms which the situation renders opportune or indispensable. It is certain, as has been said above, that the support of public opinion and the cooperation of Parliament, whose powers of intervention will be regulated by the colonial law, will not fail the Government when they commence to follow the path which they have traced out for themselves.

The desire to secure the protection of the negroes is the principal end of the humanitarian preoccupations of His Britannic Majesty's Government, but to this they also add the desire to see guaranteed in the Kongo freedom of commerce, one of the objects of the Berlin act.

Faithful, according to her invariable custom, in the observance of the treaties which she has signed, and fully recognizing the obligations which she has contracted at the Berlin and Brussels conferences, Belgium is firmly resolved that there shall be in the Kongo the widest economic system and that the expansion of commerce and of industry shall be furthered in the most liberal manner, without distinctions being made between Belgian subjects and foreigners. Thus she will so act that, as has already been stated by the prime minister in the chambers, private people, to whatever nationality they may belong, will be able to acquire the lands necessary for the prosecution of their commerce and of their occupations. The government of the future colony will be regulated by these principles, and Belgium will see that they are loyally and fully applied.

With regard to the existence of concessionary companies, the English memorandum fears that their continuance will limit the liberty of action of the Belgian Government in the territories occupied by them.

Under the concessionary system, which is even in force in certain portions of the conventional basin of the Kongo under the British Crown, the concessionaires have acquired in the Free State certain vested interests. It is especially necessary that the foreign interests connected with these enterprises should be taken into account. It is, on the other hand, to be remarked that the maintenance of the companies does not exclude the possibility of fresh arrangements being made.

Moreover, the acts of concession do not prevent the Government in the sphere of action of the companies from recognizing that the natives have very extended rights of occupation, including the free disposal of the products of the soil, or from granting to Belgian and foreign traders land on which to establish factories.

But before beginning her task Belgium will have to compare what she proposes to do with what has been done in those of the neighboring colonies which are also subject to the stipulations of the Berlin act—to examine how in those countries the principles there laid down are applied, and to see how the rights granted to companies and individuals are brought into harmony with the practice of freedom of commerce.

The respect which the Government of the King have always shown for the obligations resulting from treaties might well dispense them from answering the last question asked by the Government of His Britannic Majesty. The Belgian Government have no hesitation in recognizing that the religious, scientific, and charitable institutions whose field of action is the Kongo should enjoy equal protection without distinction of religion, as was laid down in the Berlin act, and that British subjects should have the benefit of all the advantages stipulated for in their favor by the convention concluded between Great Britain and the Kongo Free State prior to that diplomatic instrument.

Such are the plans which the Government of the King will carry out when they assume before the world the responsibility which is involved in the administration of their future colonial possession. They can be summarized thus: An immediate amelioration in the moral and material conditions of existence of the inhabitants of the Kongo, and the extension as rapidly as possible of a system of economic freedom to the different regions of that vast country.

The Government of His Britannic Majesty, says the memorandum, had had the intention of demanding arbitration in order to decide whether the land and commercial systems established in the Free State were in conformity with Articles I and V of the general act of Berlin. Entertaining the hope that the Free State will shortly be annexed by Belgium, they have thought it preferable to postpone any proposal in this sense and to discuss the present situation with the Belgian Government in the most open and friendly spirit.

The Belgian Government share this view for the reasons indicated in the memorandum. After having set forth the plans which they have the intention of realizing when the annexation of the Kongo has taken place—an eventuality which can now be considered imminent—they are glad to find that their intentions are so much in harmony with the wishes of the Government of His Britannic Majesty as to render superfluous an arbitral decision on the question at issue between the Free State and Great Britain regarding the interpretation of the Berlin act.

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No. 75.

AFRICA. No. 4 (1908).

FURTHER CORRESPONDENCE RESPECTING THE TAXATION OF NATIVES, AND OTHER QUESTIONS, IN THE KONGO STATE.

[In continuation of "Africa No. 3, 1908:" Cd. 4135.]

[Presented to both Houses of Parliament by command of His Majesty. August, 1908.]

*List of papers.*

- No. 1. Sir Edward Grey to Sir A. Hardinge, June 23, 1908.
- No. 2. Memorandum communicated to the Belgian minister, June 23, 1908.
- No. 3. Sir Edward Grey to Sir A. Hardinge, July 13, 1908.
- No. 4. M. Davignon to Count de Lalaing (1 inclosure), July 12, 1908.

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No. 1.

*Sir Edward Grey to Sir A. Hardinge.*

FOREIGN OFFICE, *June 23, 1908.*

SIR: I gave the Belgian minister to-day a memorandum, of which a copy is inclosed herewith,<sup>a</sup> in reply to the last note of the Belgian Government about the Kongo.

In giving it I said I understood the difficulty in which the Belgian Government were placed with regard to stating, before the question of annexation was decided, the actual measures which they would take in the Kongo. But if it was impossible to carry the discussion further at the present moment, the fact that it was not continued must not be regarded as committing us finally.

The Belgian Government would of course, in accordance with the provision of the Berlin act, which was binding upon all the powers, notify us of the annexation, and we must reserve our liberty to discuss the actual measures to be applied in the Kongo by the Belgian Government before committing ourselves in reply to that notification.

The Belgian minister read the memorandum, and said he would communicate it to his Government.

He then asked me to be a little more explicit as to the meaning of what I had said to him in giving him the memorandum.

I repeated the substance of it, adding that we were quite ready to continue the discussion with the Belgian Government of the actual measures to be introduced into the Kongo to give effect to the treaty obligations which they had admitted and the intentions they had expressed. But if the Belgian Government found it difficult to carry the matter further while annexation was

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<sup>a</sup> See No. 2.

under discussion, we must reserve our liberty to raise more definite points later on. In other words, I was not prepared to announce at the present moment that the assurances which we had received from the Belgian Government were complete and should be accepted in Parliament here as having disposed of the whole question.

I told Count Lalaing, however, that in my opinion the publication of the documents which had passed hitherto had produced a good effect here. The tone of the controversy had been very much ameliorated by the nature of the replies which the Belgian Government had given. They were on quite a different footing from those of the Kongo government, which had excited such strong feelings of indignation here.

The Belgian minister said that the effect had been good in Belgium also.

I am, etc.,

E. GREY.

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## No. 2.

### *Memorandum communicated to the Belgian minister, June 23, 1908.*

On the 25th April the secretary of state for foreign affairs had the honor to receive from the Belgian minister a memorandum<sup>a</sup> on the subject of the reforms to be introduced into the Independent State of the Kongo in reply to a communication made to the Belgian minister for foreign affairs by His Majesty's minister in Brussels.

From the contents of this memorandum it appears that the Belgian Government are resolutely determined to retain complete control over the affairs of the Kongo as soon as it shall have become a colony, and that the measures of reform which, with the sanction of Parliament, it may be necessary to introduce will be inspired by the most generous sentiments. The Belgian Government likewise declare that the question of improving the lot of the natives is one of great solicitude to them, and call attention to the recent speeches of the prime minister and the minister for foreign affairs, in which they have announced the intention of the Government to develop the aptitude of the natives for commerce, and to furnish them with the means of exercising it by affording them numerous facilities for intercourse with those who bring them the benefits of civilization.

The Belgian Government also consider that the taxation of the natives of the Kongo should be on a moderate scale and in proportion to the circumstances of the taxpayers, and that the labor tax required from natives, who are unable to pay their taxes in money, is only a temporary and provisional measure, destined to disappear gradually with the introduction and increased circulation of currency, which they will make every effort to encourage.

In any case, the principle of individual liberty without constraint will be upheld, and the natives will not be compelled, either directly or indirectly, to furnish labor to the concessionary companies or to any other private enterprise. If they do voluntarily work for a private employer, it will be at a rate of wages to which the laborer has consented of his own free will.

The Belgian Government further declare that, in accordance with treaty obligations contracted at the conferences of Berlin and Brussels, commerce and industry in the Kongo shall be developed in the most advanced and liberal manner, and without any distinctions being made between their own subjects and those of other nationalities.

With regard to the existence of concessionary companies and the question whether their continuance in the Kongo will in any way limit the liberty of action of the Belgian Government in the territories occupied by them, it is stated that the acts of concession to such companies are not of such a nature as to prevent the Government in the sphere of action of those companies from recognizing that the native population possesses very extended rights of occupation, together with the free disposal by them of the products of the soil.

It is also stated that the Belgian Government will not be precluded from granting to foreign as well as Belgian traders sites for factories within the areas assigned to the concessionary companies.

Before, however, carrying out these intentions, the Belgian Government will have to examine the principles applied in neighboring colonies similarly

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<sup>a</sup> See No. 3, "Africa No. 3 (1908)," p. 146.



situated and to see how freedom of commerce is there reconciled with privileges granted to companies or private individuals.

Further, the Belgian Government declare that they have no hesitation in recognizing that the religious, scientific, and charitable institutions in the Kongo shall enjoy equal protection without distinction of religion, as laid down in the Berlin act, and that British subjects shall have the benefit of all the advantages stipulated for in their favor by the convention concluded between Great Britain and the Kongo Free State prior to the signature of that diplomatic instrument.

His Majesty's Government have taken note with the liveliest satisfaction of the assurances which have now been given to them of the intentions of the Belgian Government, in the future administration of the Kongo, to obtain an immediate improvement in the moral and material conditions of existence of the natives and as rapid an extension as possible of a system of economic liberty in the different portions of this vast territory, and they have learned with much pleasure that the Belgian Government consider their interpretation of the commercial clauses of the Berlin act to be so far in conformity with the views of His Majesty's Government as to render unnecessary any recourse to arbitration on the subject.

His Majesty's Government also take note of the opinion of the Belgian Government to the effect that it is only after the annexation of the Kongo territories that they will be in a position to decide, without undue delay, upon the reforms rendered indispensable by the local situation.

His Majesty's Government have considered the advisability of asking that some engagement should be given on the part of the Belgian Government as to the total abolition of a labor tax in any form within a fixed period, and that all purely commercial questions arising out of the treaty obligations of the Kongo State should, if the two Governments failed to arrive at an agreement respecting them, be referred to arbitration.

His Majesty's Government are informed that a suggestion to this effect was made in the course of an informal conversation to the Belgian minister for foreign affairs by His Majesty's minister at Brussels, and that a memorandum on the subject has been presented to his excellency on behalf of the Government of the United States.

They recognize, after a full consideration of the memorandum presented on the 25th April by Count de Lalaing, the difficulty of insisting upon the total abolition at a definite date of a labor tax in any form, and they do not desire to press for the fixing of such a date provided the measures necessary for remedying the abuses which still exist in the Kongo State, more especially in respect of the treatment of the natives, are taken without delay, and that existing or future concessions are interpreted in such a way as to recognize the extended rights of occupation of the native population and their freedom to dispose of the natural products of the soil already referred to.

They would, however, welcome a formal assurance that the Belgian Government will not refuse, if invited by them to do so, to refer in the last resort to arbitration any differences of view as to the meaning of those articles in the treaties binding the Kongo State which bear on commercial questions, should an agreement between the two Governments respecting them be unattainable by ordinary diplomatic methods.

Throughout the whole course of the negotiations on the subject of the Kongo His Majesty's Government have been animated by the most friendly sentiments toward the Belgian Government and people, with whom they are united by so many ties. Confident that their sentiments of friendship are reciprocated by the Belgian Government, His Majesty's Government, as a neighbor in Africa of the government of the Kongo, and having important treaty rights and interests in those territories, would urge upon them the desirability of affording at the earliest possible moment some definite statement, as distinct from general assurances, of the measures they propose to take to give effect to their intention to respect the treaty rights as explained in the correspondence which has taken place between the two Governments. Such statements would have the advantage of placing His Majesty's Government in a position to satisfy public opinion in this country that their acquiescence in the transfer of the Kongo State to Belgium will not be inconsistent with the duties and responsibilities assumed by Great Britain when first she recognized the International Association and subscribed to the acts of Berlin and Brussels.

FOREIGN OFFICE, *June 23, 1908.*

No. 3.

*Sir Edward Grey to Sir A. Hardinge.*

FOREIGN OFFICE, July 13, 1908.

SIR: The Belgian minister handed me to-day a memorandum, copy of which is inclosed herewith,<sup>a</sup> which he informed me was the reply of the Belgian Government to the memorandum of the 23d June, which I had given them.

After handing me this reply the Belgian minister read to me the communication, of which a copy is also inclosed.<sup>b</sup>

I told him that I must study the reply of the Belgian Government, and that I would not attempt to read it on the spot. I should also need time to consider the points which he had raised in the communication he had been instructed to make to me. They referred to the wording of an article in the Berlin act, which I must look up. Certainly it had not occurred to me that the words of the article might be so limited as not to apply to a transfer.

The Belgian minister said that the article applied to "taking possession," but in this case Belgium was simply "inheriting."

I told him it seemed to me that when one government relinquished possession, and handed over territory to another government, the latter government must be regarded as taking possession of the territory.

I observed generally that what the Belgian minister had read seemed to imply that it was a more simple matter for Belgium to take over the Kongo than it would be if she had to take over something with which she had had no previous connection.

He remarked that he did not think "simple" was the word used.

I explained that what I meant was this: From our point of view the fact that we already had treaty rights in the Kongo State, and had been in acute disagreement with the government of that State about those rights, complicated the matter, because if one State was in acute disagreement with another about treaty rights, and proposed to transfer its territory to a third State, then the State which considered itself aggrieved, as we considered ourselves aggrieved by the disagreement about our treaty rights, would naturally be much more particular in making conditions with the third State, who was the transferee, than it would be if that State was taking over territory which had previously been vacant, or about which the aggrieved State had had no dispute.

I should, however, require time to study the Belgian reply, and to reflect at leisure upon what Count de Lalaing had said.

I am, etc.,

E. GREY.

No. 4.

*M. Davignon to Count de Lalaing.*

[Translation.]

MINISTRY FOR FOREIGN AFFAIRS,

Brussels, July 12, 1908.

M. le COMTE: I have the honor to request you to transmit to His Majesty's under-secretary of state for foreign affairs the accompanying document, which is the reply of the King's Government to the memorandum of the 23d June which Sir E. Grey asked you to forward to it.

In handing you this memorandum, his excellency had informed you that if the exchange of views between the two Governments were not continued, although the foreign office was quite willing to continue it should we desire it, it must not be inferred that the British Government would consider itself bound to recognize unconditionally the transfer of the Kongo to Belgium, which would be notified to it subsequently. His excellency had added that the British Government reserved entire freedom on this point, and that its answer would depend upon the further and more detailed assurances which the King's Government might think fit to give it after the annexation, should it take place.

The communication made to you by Sir E. Grey calls for a reply from us.

We do not here wish to discuss the question as to whether article 34 of the Berlin act, which fixes the conditions necessary for the recognition as effective of fresh occupations on the coasts of the African continent applies to Belgium in this particular case. The very title of Chapter VI, of which article 34 forms part, and the text of the article itself, show clearly that they only deal

<sup>a</sup> Inclosure in No. 4.<sup>b</sup> No. 4.

with the taking possession by means of new occupation or of the establishment of protectorates, and not with the transfer of one regular government carried on by whites to another government under the same sovereign, as in the case of the annexation of the Kongo to Belgium. The object of the Berlin conference in drawing up articles 34 and 35, which together make up Chapter VI, was to prevent fictitious annexations and the causes of conflict which would result therefrom, as is proved by the debates and comments called forth by the discussion of these articles, more especially the speech made by Prince Bismarck at the meeting of the conference held on the 15th November, 1884.

Moreover, we do not consider that the legitimate interests of England would in any way be injured by the annexation of the Kongo. Without in the least desiring to contest the right of the British Government to examine this question, we await with complete confidence the result of this examination. The interests of Great Britain in the Kongo may be expressed as consisting in the observance of its treaty rights. In this respect it must derive a feeling of complete security from the long experience of the good faith shown by Belgium in fulfilling its engagements, for the international obligations of the Kongo State will continue to bind its successor, itself a party to the Berlin act. The incorporation of the Independent State with Belgium has from the very first been looked to, in other countries as well as in our own country, as the final stage of its natural development. The personal union which gave the same sovereign to the two states has always caused the Kongo to be regarded as a future Belgian colony, which received in the meantime a special form of autonomy. In 1889 the King bequeathed the Kongo to Belgium; in the following year, scarcely five years after the Berlin conference, closer conventional bonds were established by our country with the Independent State; it was intended that these bonds should shortly be converted into a definite union, which has only been hitherto delayed by consideration of internal policy.

It would be difficult to imagine how an annexation so long prepared with the good will of the powers could interfere with British interests. Not only has the British Government recognized by its declarations in Parliament that Belgium had over the Kongo rights which no other power possesses, but it has been so good as to state, at the commencement of this exchange of views, in its communication of the 23d January last to the cabinet of Brussels, that the transfer of the Independent State to our country would be the best solution of the differences which had arisen between England and that state. The Belgian Government, bearing in mind the above considerations, and confident that it is capable of fulfilling worthily the great civilizing mission about to fall to it, feels convinced that the transfer of the Kongo to Belgium will be accepted by England without any reservations. Even were this hope not realized, the King's Government, nevertheless, believes that when the British Government sees it at work it will not persist in its reservations when it has realized the results obtained by the Belgian administration in the Kongo.

You will read this dispatch to his excellency, and, if necessary, you will leave a copy of it with him. You will at the same time notify to his excellency that the Belgian Government is anxious to communicate to Parliament the latter part of this correspondence before the close of the debates to which the annexation of the Kongo has given rise. This publication will take place in a few days' time.

I have, etc.,

DAVIGNON.

[Inclosure—Translation.]

After a full consideration of the memorandum handed to the Comte de Lalain on the 23d of June by His Britannic Majesty's secretary of state for foreign affairs, the King's Government notes with a satisfaction not less lively than that felt by the British Government the harmony which reigns between the two Governments with regard to the principal points mentioned in the last Belgian memorandum, viz, the immediate improvement of the moral and material conditions of the existence of the Kongo natives, as rapid an extension as possible to all parts of the colony of such economic progress as has already been achieved, the application of the commercial clauses of the Berlin act in their full meaning and scope.

As is shown by the memorandum of the 23d June, which reached us on the 25th, the British Government had considered the advisability of asking the Belgian Government to agree to the total abolition of the labor tax within a fixed period and to the settlement by arbitration of all purely commercial



questions arising out of the international obligations of the Kongo State. Suggestions to this effect were made in the course of informal conversations which took place between the minister for foreign affairs and Sir A. Hardinge, but did not, however, assume the shape of definite proposals. After a full consideration of the memorandum of the 23d April,<sup>a</sup> the British Government recognizes the difficulty of insisting upon the total abolition of the labor tax at a definite date. It will not, therefore, press for the fixing of such date, provided the measures necessary for remedying the abuses which still exist in the Kongo, more especially in respect of the treatment of natives, are taken without delay, and that existing or future concessions are interpreted in such a way as to admit the extended rights of occupation of the natives and their freedom to dispose of the natural products of the soil.

The cabinet of Brussels intends to issue and give effect to the said measures for improving the lot of the natives as soon as ever the annexation of the Kongo and the colonial law have been voted by Parliament. It has promised the Chamber of Representatives to do so on more than one occasion; it has confirmed this promise to the British Government in writing; it can only to-day repeat its promise with the same earnestness and sincerity as before.

It would be difficult to go into the details for giving effect thereto, as requested by the cabinet of London, until the representatives of the nation have come to a decision on the actual question of annexation and have approved the colonial bill; nevertheless, the King's Government, desirous of giving a fresh proof of the traditional friendship which unites Belgium to Great Britain, will endeavor to trace here, with as much precision as possible, the measures which it proposes to take in order to carry out the programme it has drawn up. The said measures will take the form of laws, decrees, or administrative provisions as soon as the Government has been invested by the colonial law with the powers which it now lacks. Conscious of its responsibility, and in the full exercise of its sovereignty, it will accomplish this task as promptly as the existing state of affairs and considerations of expediency allow—considerations no State on taking possession of a colony already organized can afford to ignore.

The Belgian Government is ready to affirm that it will at once give prompt and full effect to the royal decree of the 3d June, 1906, with regard to the increased grant of land to the natives for cultivation and commerce. The same decree provides that an inquiry be held in all villages with a view to fixing the extent of the sites which ought to be reserved to their inhabitants; the new administration will expedite the work of this inquiry so as to make it give the expected results as quickly as possible. The colonial authorities will fix, fully and precisely, the regulations for the sale of the domain lands with a view to satisfy the requirements of the missionaries and traders more especially. The Government will take the greatest care that the concessionary companies do not in any way infringe its undertakings, and that they respect the liberty to work as well as the right of the natives to dispose of the products of the soil assigned to them.

Is it finally necessary to call to memory that the intentions of the Belgian Government find expression in its public declarations, the exact import of which has not escaped the British Government, for it received them most favorably? They have been submitted to the Belgian chambers, and have thereby acquired the value of engagements, to which effect will be given under their control and with their assistance. The solicitude of Parliament for the lot of the Kongoleses natives equals that of the Government itself, and has been explicitly and energetically manifested during the recent debates.

The British Government, after having taken note of the repeated assurances of the Belgian cabinet in regard to the loyal and entire execution of the treaty engagements contracted with England and with the other powers which signed the acts of the conferences of Berlin and Brussels, will surely admit that it now possesses all the guarantees which Belgium is in a position to give.

The memorandum of the 23d June adds that the British Government would welcome an assurance that the Belgian Government would not refuse, if invited to do so, to refer in the last resort to arbitration any differences of view as to the meaning of those treaties binding the Kongo State which bear on commercial questions should an understanding be unattainable by ordinary diplomatic methods.

The above proposal, thus stated, has been examined by the Belgian Government all the more attentively, inasmuch as it is sincerely anxious to dispel the

<sup>a</sup> See No. 3, "Africa, No. 3 (1908)."

last remaining misgivings with regard to the observance in the future of the clauses of the Berlin act.

It finds it difficult, however, to admit that Belgium, alone among the powers which signed the said act, should give to one of those powers a general undertaking which differs as regards arbitration from the principle laid down in article 12.

The King's Government, however, is anxious to affirm the sympathy which it has always felt for arbitration, a sympathy it gave expression to by signing with several States treaties which have met with a most enthusiastic welcome, both in Parliament and in the country. In a similar spirit the Kongo State concluded an agreement on its part with England with a view to submitting to the arbitration of the tribunal of The Hague any question which might arise regarding the frontiers of the Kongo State. The King's Government is therefore disposed to state that, if it were invited, after annexation, to refer in the last resort to the permanent tribunal of The Hague any dispute arising from a divergence of opinion as to the interpretation of the treaties binding the Kongo State, it would give the proposal the most favorable consideration, being guided by the liberal views which inspired the preparation of the general arbitration treaties which it has already signed, subject to the reservation, however—a reservation recognized by England herself in analogous treaties—that the dispute should touch neither the honor nor the national sovereignty, and not losing sight of the desirability of applying to collective treaties article 84<sup>a</sup> of the act of the conference of The Hague.

This article runs as follows: "When there is a question as to the interpretation of a convention of which other powers are signatories, the parties to the proceedings shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the proceeding. If one or more avail themselves of the right, the interpretation given by the award is equally binding on them."

The Berlin act being a collective treaty, the British Government will not fail to realize the objections and the difficulties which would result from a differential application of the clauses of the said treaties in the various territories comprised in the conventional basin of the Kongo.

In order to remove these objections, it should be understood that the arbitral award would not be applied till the other powers having possessions in the basin aforesaid shall, on being invited, have given their accession to it.

It must also be borne in mind that article 68 of the Belgian constitution renders recourse to such procedure subject to the consent of Parliament. "Commercial treaties," says this article, "and treaties calculated to burden the Kongo State and bind individual Belgian citizens only take effect after receiving the assent of the chambers." In order to adopt the compromise by which questions of a commercial character are submitted to arbitration as well as questions of which the settlement would affect either the finances of the Kongo State or the particular interests of Belgian subjects, it is absolutely necessary that the Government should obtain the approval of Parliament.

The above considerations do not dispense the King's Government from pointing out that the best method, in its opinion, of settling the questions or disputes which might arise after annexation would be a direct understanding between all the powers having possessions in the conventional basin.

The Belgian Government frankly prefers this method of settlement, which would assure a common interpretation of the clauses of the Berlin act, and it invites the cabinet of London, in its turn, to be so good as to consider it.

The British Government realizes the necessity of convincing public opinion in England that the recognition of the transfer of the Kongo to Belgium will not be contrary to the duties and responsibilities assumed by Great Britain when it recognized the international association and signed the Berlin and Brussels acts. The King's Government is convinced that the explanations contained in this memorandum will enable His Britannic Majesty's ministers to attain fully this result.

The Belgian Government can not close this memorandum without expressing the satisfaction which it felt on learning that the British Government attaches the same importance as itself to the bonds of friendship which unite the two countries since Belgium took its place among the nations. It is superfluous to add that it has itself been animated by the same friendly sentiments throughout the present exchange of views.

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<sup>a</sup> See "Miscellaneous No. 6 (1908)."

## No. 76.

*Handed to the Acting Secretary of State by the Belgian Minister,  
July 24, 1908.*

[Translation.]

On April 16<sup>a</sup> last the King's Government received, through the United States minister at Brussels, the second memorandum addressed to it by the American Government regarding the forthcoming annexation of the Independent State of the Kongo by Belgium. The document had been drawn up by the Cabinet of Washington after an exchange of views with the Government of His Britannic Majesty, which had asked it to support near the Belgian Government two propositions it intended to submit to the last-named Government—the first concerning the abolition of forced labor within the territories of the Kongo after they became Belgian; the second relative to recourse to arbitration for the settlement of the disputes arising from purely commercial questions.

These propositions were to be brought before the Government of the King simultaneously by the two Governments; so the Cabinet of Brussels deemed it preferable to defer its answer until it should have received from the British Government a request similar to that contained in the second American memorandum. This view was made known to Mr. H. Lane Wilson by the minister for foreign affairs as early as the 16th of April, and it was agreed that the second American memorandum would not be made public until after the English memorandum setting forth the same propositions had been received at Brussels. The memorandum was handed to the minister for foreign affairs on June 25.

The Belgian Government now answers the two Governments of the United States and of Great Britain.

In its answer, dated April 24, to the first American memorandum, the King's Government gave very clear explanations touching the question of forced labor, otherwise known as the labor tax. It declared that native labor was to be free and voluntary in the Kongo, and that the principle of personal freedom, laid down in the colonial law, would suffer but one exception, that of the labor tax to be collected from people who were unable to pay it in currency. This mode of taxation is legitimate; no government ever hesitated to demand it in its colonies, but it constitutes a merely temporary and provisional measure which shall be entirely removed as the natives grow more familiar with the use of currency, which is beginning to spread in certain districts of the Kongo.

It is unfortunately impossible to fix at this time a date for the entire and final suppression of the labor tax in the future colonies. The Government of His Britannic Majesty itself realizes this impossibility, as it intimates in its second memorandum. The civilization which Belgium will unceasingly endeavor to propagate in the regions of Central Africa which are to form its colonial domains will gradually substitute the currency tax for the labor tax, but in the meantime the latter tax shall be collected in a humane and moderate manner.

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<sup>a</sup> See paper No. 67, p. 106.



As regards the general application to the native races of the provisions of articles 2 and 5 of the Brussels act in which the American Government is concerned, the cabinet of Brussels can but repeat as strongly its former declarations. The improvement of physical and moral conditions of the natives engrosses its best attention. It will, as soon as the chambers shall have voted the annexation treaty and the colonial law, take shape in the swifter progress made in the inquiry prescribed by the decree of June 3, 1906, in all villages, with a view to determining the area of land required by the needs of the inhabitants. As a result of this inquiry much more land will be allotted to the natives for their farming and commerce. The Government will see that the concessionary companies do not transgress the engagements taken by it and respect the freedom of labor as well as the right of the natives freely to dispose of the products of the soil on the land allotted to them.

The second proposition formulated by the Government of the United States relates to the reference to compulsory arbitration of all commercial and economic questions that would occasion a dispute, the settlement of which could not be reached through the ordinary diplomatic channels. The cabinet at Washington urges the Belgian Government to accept a proposition so entirely in accordance with the rapidly growing practice of civilized nations. This would prove a sufficient reason for the Belgian Government to examine this proposition with the most earnest attention, if it were not equally impelled thereto by its desire to leave no apprehension in regard to the observation of the act of Berlin in its future colony.

The strong inclination of the Government of the King toward recourse to arbitration for the settlement of international disputes is well known; it was notably affirmed through the conclusion with several States of arbitration treaties, which public sentiment in Belgium viewed no less favorably than the Parliament. Yet in spite of its pronounced predilection for this procedure destined to force itself upon peaceful nations as a happy means of bringing their controversies to an end, the cabinet of Brussels finds it very difficult to admit that Belgium, alone, among the powers holding possessions in the conventional basin of the Kongo, should enter upon an engagement as general in its character as that of compulsory recourse to arbitration, while under article 12 of the act of Berlin arbitration remains optional for the other powers signatory to the act.

But the Belgian Government finds no difficulty in declaring that if, after annexation, it were invited to refer to the tribunal of The Hague, as a last resort, a difference arising from a divergence of appreciation in the interpretation of the treaties which bind the States of the Kongo, it would examine the proposition with special benevolence and be inspired by the broad views which guided it in the drafting of the arbitration conventions concluded by Belgium.

It should, however, in such a case give attention to harmonizing the resort to arbitral procedure with the enforcement of article 84 of the act of The Hague conference to which it is a signatory. That article requires the contesting parties, when the question affects the interpretation of a treaty to which other powers are parties, to give timely notice to all the powers that have signed it. Every one of them has the right to become a party to the litigation; if that right be availed of by one or more, the interpretation contained in the sen-

tence is equally obligatory upon them. Now, the Berlin act is such a treaty—a collective treaty. How many objections, how many difficulties, may arise from a different application of the clauses of that treaty in the various territories comprised in the conventional basin of the Kongo? Therefore, in order to avoid any difficulty, it should be understood that recourse to arbitration should be had only when the other powers holding possessions in said basin have agreed to become parties to the litigation or to accept the interpretation given by the arbitral award.

The Government would further be bound to conform to the rules laid down in article 68 of the constitution before it can make use of the arbitration procedure. "Treaties of commerce," reads that article, "and those that may lay a burden upon the State or bind Belgians individually only go into effect after receiving the assent of the chambers." So that the adoption of a compromis referring to arbitration a question of a commercial character or whose settlement should involve the state treasury or the personal interests of Belgian subjects would remain subject to parliamentary approval. To the mind of the King's Government there is a better means than recourse to arbitration as advocated by the United States to bring about the settlement of disputes in the conventional basin of the Kongo; it would be a direct understanding after annexation among all the powers holding territories in that region. It does not conceal its preference for resorting to this method, which would offer the immense advantage of insuring a general observation of the clauses of the Berlin act.

In the closing part of its memorandum the American Government says that, relying upon the rights secured to it by existing treaties, it expects to obtain all the privileges, commercial and otherwise, accorded in the Kongo to other nations. When it annexes the possessions of the Independent State, Belgium will inherit its obligations as well as its rights; it will be able to fulfill all the engagements made with the United States by the declarations of April 22, 1884.<sup>a</sup>

*Declarations exchanged between the United States of America and the International Association of the Congo.*

The International Association of the Congo hereby declares that by Treaties with the legitimate Sovereigns in the basin of the Congo and that of the Niadi-Kialun and in adjacent territories upon the Atlantic there has been ceded to it territory for the use and benefit of Free States established and being established under the care and supervision of the said Association in the said basins and adjacent territories, to which cession the said Free States of right succeed.

That the said International Association has adopted for itself and for the said Free States, as their standard, the flag of the International African Association, being a blue flag with a golden star in the center.

That the said Association and the said States have resolved to levy no custom-house duties upon goods or articles of merchandise imported into their territories or brought by the route which has been constructed around the Congo cataracts; this they have done with a view to enabling commerce to penetrate into Equatorial Africa.

That they guarantee to foreigners settling in their territories the right to purchase, sell, or lease lands and buildings situated therein; to establish commercial houses, and to carry on trade upon the sole condition that they shall obey the laws. They pledge themselves, moreover, never to grant to the citizens of one nation any advantages without immediately extending the same to the

<sup>a</sup> [Reprint from Senate Ex. Doc. No. 196, 49th Congress, 1st session, p. 260.]

citizens of all other nations, and to do all in their power to prevent the Slave Trade.

In testimony whereof, Henry S. Sanford, duly empowered therefor by the said Association, acting for itself and for the said Free States, has hereunto set his hand and affixed his seal this 22nd day of April, 1884, in the city of Washington.

[L. s.]

(Signed) H. S. SANFORD.

Frederick T. Frelinghuysen, Secretary of State, duly empowered therefor by the President of the United States of America and pursuant to the advice and consent of the Senate, heretofore given, acknowledges the receipt of the foregoing notification from the International Association of the Congo, and declares that, in harmony with the traditional policy of the United States, which enjoins a proper regard for the commercial interests of their citizens, while at the same time avoiding interference with controversies between other Powers as well as alliances with foreign nations, the Government of the United States announces its sympathy with, and approval of, the humane and benevolent purposes of the International Association of the Congo, administering, as it does, the interests of the Free States there established, and will order the officers of the United States, both on land and sea, to recognize the flag of the International African Association as the flag of a friendly Government.

In testimony whereof he has hereunto set his hand and affixed his seal this 22nd day of April, A. D., 1884, in the city of Washington.

[L. s.]

(Signed) FREDERICK T. FRELINGHUYSEN.

The foregoing explanation will prove to the American Government that the expression of its views was received by the cabinet of Brussels with an attention that was as benevolent as it was merited.

Dated July 12, 1908.

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No. 77.

*Chargé Bliss to the Secretary of State.*

No. 381.]

AMERICAN LEGATION,  
Brussels, July 16, 1908.

SIR: I have the honor to report that on the 14th instant Chevalier van der Elst, secretary-general of the foreign office, read me a dispatch from the Belgian minister for foreign affairs to Baron Moncheur, Belgian minister to the United States, directing him to hand to the Secretary of State the memorandum it transmitted. The said memorandum is an answer to the memorandum presented to the Belgian Government by Mr. Wilson on April 16 last. Chevalier van der Elst handed me a copy of the Belgian memorandum for my information, at the same time advising me that a memorandum had been presented to the British Government the day before.

He added that his Government desired to publish in a second "Grey Book," to be submitted to the Belgian legislative bodies, the American and British memoranda and the Belgian replies thereto, and expressed a desire to have the early consent of the United States to this effect.

For the information of the department, I beg to transmit herewith a copy of the British memorandum of June 23 and also of the Belgian Government's reply (in the French text) thereto.

I have the honor, etc.,

ROBT. W. BLISS,  
*Chargé d'Affaires ad interim.*



[Inclosure.—Translation.]

*Belgian Government's reply to British memorandum.*

Upon taking cognizance of the memorandum delivered on June 23 to Count de Lalaing by His Britannic Majesty's secretary of state for foreign affairs, the King's Government noted, with a satisfaction equal to that experienced by the British Government, the accord which prevails between them with regard to the principal points referred to in the previous Belgian memorandum, viz, immediate improvement of the material and moral conditions of existence of the natives of the Kongo, as rapid extension as possible of the economic improvements already accomplished to all parts of the colony, and application of the commercial clauses of the act of Berlin in their full tenor and scope.

As stated in the memorandum of June 23, which reached us on the 25th, the British Government recognized the opportuneness of asking the Belgian Government to abolish totally the labor tax within a certain period, as well as to submit to arbitration purely commercial questions arising from international obligations contracted by the Kongo State. In the interviews of an unofficial character which took place between the minister for foreign affairs and Sir A. Hardinge, these intentions were intimated, without, however, assuming the form of definite propositions. After taking cognizance of the memorandum of April 23, the British Government realized the difficulty of insisting on the total abolition of the labor tax on a certain date. It will not therefore seek to have this date fixed, provided the measures for repressing the abuses still existing in the Kongo, and especially with regard to the treatment of the natives, are taken without delay, and provided the concessions already existing and subsequently granted are interpreted in such a way as to recognize the extended rights of occupation of the natives and their freedom to dispose of the natural products of the soil.

As soon as the Kongo country is taken over again and the colonial act passed by the Parliament, the Brussels cabinet intends to adopt and carry out these measures in behalf of the natives without any delay. It has thus declared several times to the Chamber of Representatives; it has confirmed these declarations in writing to the British Government, and it can but repeat them to-day with the same vigor and sincerity.

Before the representatives of the nation have pronounced on the question of taking back the Kongo and approved the colonial bill, it would be difficult to enter upon the details of execution, as demanded by the London cabinet; however, as the King's Government would like to furnish a fresh proof of the traditional friendship existing between Belgium and Great Britain, it will endeavor to indicate here as precisely as possible the measures which it purposes taking in order to accomplish the programme it has outlined. These measures will be adopted in the form of laws, decrees, or administrative orders when the Government has been invested by the colonial law with the powers it now lacks. Conscious of its responsibility and in the full exercise of its sovereignty, it will perform this task with all the celerity possible in view of the actual situation and the considerations of expediency which any nation must necessarily take into account when taking possession of a colony already organized.

The Belgian Government can give assurance right now that it will see to the prompt and liberal execution of the royal decree of June 3, 1906, on the extension of the lands to be assigned to the natives for their cultivation and traffic. The same decree provided for an investigation to be made in all the villages with a view to determining the amount of land that ought to be reserved for their inhabitants. The new Government will push this investigation in order to derive from it as rapidly as possible the results awaited. The colonial authorities shall adopt comprehensive and exact rules for the sale of government lands, with a particular view to satisfying the demands of missionaries and merchants. The Government shall exercise strict vigilance to prevent concessionary companies from violating in any way the obligations they have assumed, and it shall see that they respect freedom of labor as well as the rights of the natives to dispose of the products of the soil which is assigned to them.

Is it necessary, finally, to recall the fact that the intentions of the Belgian Government were shown in the declarations which it made publicly and the exact scope of which could not have escaped the British Government, since it received them with the greatest favor? Having been laid before the Belgian

chambers, they acquired the character of engagements to be carried out under their supervision and with their cooperation. The solicitude of Parliament for the welfare of the Kongo natives is equal to that of the Government itself, and was explicitly and energetically manifested during the course of the last debates.

After taking note of the reiterated statements of the Belgian cabinet with regard to the faithful and complete fulfillment of the conventional obligations contracted toward England, as well as toward the other powers which signed the acts of the Berlin and Brussels conferences, the British Government will certainly be willing to admit that it already possesses all the assurances that Belgium is able to give.

The memorandum of June 23 adds that the British Government would be glad to receive the promise that the Belgian Government would not, if invited, refuse to submit to arbitration, as a last resort, all differences of opinion regarding the interpretation of the treaties binding the Kongo State with regard to commercial questions, provided it has been impossible to reach an agreement through ordinary diplomatic channels.

Thus formulated, this proposition was examined by the Belgian Government with all the more serious attention because it is sincerely desirous of dispelling any apprehensions which may still exist with regard to the future observance of the clauses of the Berlin act.

It appears to it difficult, however, to admit that Belgium alone, among the powers signing this act, should assume toward one of them a general engagement contrary, as far as arbitration is concerned, to the principle established in article 12.

Nevertheless, the Government is anxious to confirm the favorable feeling which it cherishes toward arbitration, and which it has manifested by signing with several nations treaties which met with the warmest reception in Parliament and throughout the country. It was in this same spirit that the Kongo State concluded an agreement with England for the purpose of submitting to the arbitration of the Hague tribunal any dispute that might arise regarding the boundaries of the State. The King's Government is therefore disposed to declare that if, after the annexation, it should be requested to submit in the last resort to the Hague tribunal a difference arising from a divergence of opinion as to the interpretation of the treaties binding the Kongo State, it would consider such a proposition in a most kindly spirit, seeking its inspiration in the broad views which dominated in the preparation of the general arbitration treaties which it has already signed, with the provision, however, accepted by England herself in similar treaties, that the difference affects neither the honor nor the sovereignty of the nation, and taking into account the application which ought to be made to collective treaties of article 84 of the Hague conference.

This article is worded as follows:

"When there is a question of interpreting a convention in which other powers than those in controversy have participated, the latter shall opportunely notify all the signatory powers. Each of these powers shall be entitled to take part in the proceedings, and if one or more of them have availed themselves of this right, the interpretation given in the award shall be equally binding in regard to them."

The Berlin act being a collective treaty, the British Government will surely realize the inconveniences and difficulties which would arise from a different application of the clauses of these treaties in the various territories comprised within the conventional basin of the Kongo.

In order to avoid these difficulties, it ought to be understood that the arbitral award would not be enforced until the other powers having possessions in this basin gave it their sanction upon being requested.

It must be mentioned, on the other hand, that article 68 of the Belgian constitution makes the use of such a procedure subject to the consent of Parliament. "Commercial treaties," says this article, "and those which might impose an obligation on the nation and bind Belgians individually, shall not be effective until they have received the approval of the chambers." In order to conclude an agreement to refer to arbitration a question of a commercial nature or the solution of which would involve either the national finances or the private interests of Belgian subjects, the Government would therefore absolutely require the approval of Parliament.

The foregoing considerations impel the King's Government to observe that in its opinion the best means of settling disputes which may arise after the annexa-

tion would be by a direct understanding among all the powers having possessions in the conventional basin.

It does not pretend to disguise its preference for this method of solution, which would insure a joint interpretation of the clauses of the Berlin act, and it requests the London cabinet to kindly examine into it.

The British Government feels the need of convincing public opinion in England that a recognition of the transfer of the Kongo to Belgium will not be contrary to the duties and responsibilities assumed by Great Britain when it recognized the international association and signed the Berlin and Brussels acts. The King's Government does not doubt that the explanations contained in this memorandum will enable the ministers of His Britannic Majesty to fully accomplish this purpose.

It can not conclude the present memorandum without expressing its gratification in learning that the British Government attaches the same value as does the Belgian Government to the bonds of friendship which have united the two countries ever since Belgium assumed a place among the nations. It is superfluous to add that it has constantly been animated by these friendly feelings itself during the course of this exchange of views.

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No. 78.

*Minister Wilson to the Secretary of State.*

No. 393.]

AMERICAN LEGATION,

*Brussels, August 21, 1908.*

SIR: I have the honor to transmit herewith copy and translation of the colonial law just adopted by the Belgian Chamber of Representatives, and which now requires only the approval of the Senate and of the King, in conjunction with the approval of the act of annexation, to make of annexation an accomplished fact.

At the time of the adoption of the colonial law the treaty of annexation was also passed, but as a copy of its provisions, accompanied by translation, is already in the hands of the department, I have not thought it necessary to transmit it with this dispatch.<sup>a</sup>

There can be no manner of doubt that the Senate will approve the treaty of annexation and the colonial law in their entirety, and this, I believe, without amendments germane to the character of either instrument. If any changes are made by the Senate they will not affect the general character of the instruments, but will have to do with their form only. There seems to be no doubt that, following the action of the legislative bodies, the approval of His Majesty the King will be promptly forthcoming.

I have the honor, etc.,

HENRY LANE WILSON.

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No. 79.

[Inclosure.—Translation.]

# BILL PROVIDING FOR THE GOVERNMENT OF THE BELGIAN KONGO.<sup>b</sup>

[Text adopted by the Chamber at the first reading.]

## CHAPTER I.—*Concerning the juridical status of the Belgian Kongo.*

ARTICLE 1. The Belgian Kongo has a legal status distinct from that of the mother country. It is governed by separate and distinct laws. The resources

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<sup>a</sup> Printed ante, p. 27.

<sup>b</sup> For original "Project," see p. 92.



and liabilities of Belgium and the colony remain distinct. In consequence the Kongolese interest charges will rest exclusively to the charge of the colony, unless it shall be decided otherwise by law.

CHAPTER II.—*Concerning the rights of Belgians, foreigners, and natives.*

ART. 2. All the inhabitants of the colony will enjoy the rights recognized by article 7, paragraphs 1 and 2, articles 8 to 15, inclusive, article 16, paragraph 1, article 17, paragraph 1, and articles 21, 22, and 24 of the Belgian constitution. The words "the law" mentioned in article 7, paragraphs 2, 8, 9, 10, 11, article 17, paragraph 1, and article 22 of the Belgian constitution are replaced, in whatever relates to the colony, by the words "the special laws or decrees."

The language which shall be employed is optional. It will be regulated by special laws or decrees in such a way as to guarantee the rights of Belgians and Kongolese and so regulated only for official acts and juridical business.

The Belgians will enjoy in the Kongo in these matters guaranties similar to those which are assured them in Belgium. Special laws or decrees will be promulgated to this effect at a date not less than five years following the promulgation of the present law.

All the decrees and regulations having a general character shall be drawn and published in the French and Flemish languages. The two texts are official.

Belgians and Kongolese registered in the colony and foreigners shall enjoy all the civil rights conceded by the legislation of the Belgian Kongo. Their personal status is regulated by their national law, provided that these are not contrary to public order.

Natives of the Belgian Kongo not registered enjoy the civil rights which are conceded them by the colonial legislation and by their customs, provided these are not contrary either to law or public order. Natives of neighboring countries not registered shall enjoy similar rights.

No person can be constrained to work for the account or profit of commercial societies or private persons.

The laws will determine as soon as possible the status of the natives, their real rights, and individual liberty.

ART. 3. The governor-general will guard the preservation of the native population, the improvement of their moral and material conditions. He shall favor the expansion of individual liberty, the gradual abandonment of polygamy, and the development of individual holdings. He shall protect and favor, without distinction of nationality or religion, all the religious, scientific, or charitable institutions and enterprises created and organized for the purpose or aim of instructing the natives and bringing them to a comprehension and appreciation of the advantages of civilization.

Christian missionaries, scholars, explorers, their escorts, belongings, and collections shall be the object of a special protection.

ART. 4. There shall be established a permanent commission of seven members charged with the responsibility of watching over all the territory of the colony, with the protection of the natives, and with the betterment of their moral and material condition.

The commission shall be under the presidency of the procureur-general. The other members shall be named by the King from among those persons residing in the territory of the colony who by the nature of their functions appear specially qualified to carry out the protective character of their mission. The commission will appoint one of its members as secretary.

It will meet at least once each year; its president will convoke it.

The commission will address each year to the King a joint report relative to the measures taken in favor of the natives. This report shall be published.

The members of the commission shall report, if necessary individually, to the officers of the law the abuses and illegalities of which the natives may have been made the victims.

CHAPTER III.—*Relative to the exercise of powers.*

ART. 5. The King will regulate by means of decrees those matters which are not or which shall not be regulated by the law. The decrees shall be issued upon the initiative of the minister of colonies. No decree shall have force except after having been published according to the forms prescribed by the law. It should, moreover, have been published in the *Moniteur Belge*.

The courts and the tribunals shall not put the decrees into force whenever they shall be found contrary to the laws.

ART. 6. The executive power shall be lodged in the King. It shall be exercised by means of regulations and proclamations. The courts and the tribunals shall not put the regulations and proclamations into force except when they are in conformity with the laws and decrees.

No regulation or proclamation shall be considered in force except after having been published.

ART. 7. No royal act shall have effect except when countersigned by a minister, who thereby renders himself responsible.

The expenses charged to the special fund of 50,000,000 francs, which amount is granted to the King and to his successors by article 4, paragraphs 3 and 4, of the additional act of March 5, 1908, shall likewise be subjected to this formality.

The annuities specified by the aforesaid additional act are assigned by the King in the proportions which he shall indicate to the objects enumerated in paragraph 5 of article 4.

ART. 8. No customs tax, no domestic tax shall be levied except for the needs of the colony, nor shall any exemption from taxation be granted to persons not born on the soil, except by legislative act.

The governor and the functionaries or agents thereto authorized can grant to the natives temporary exemption from taxation.

The decree will go into force at the same time with the budget law which sanctions its first application.

The numerical force of the army shall be fixed annually by decree.

ART. 9. The circulating medium of gold and silver which have a legal tender in Belgium shall also have legal tender in the colonies.

A royal proclamation shall fix the date on which the gold and silver money coined by the Independent State of the Kongo shall cease to be legal tender and will not be exchanged further by the colonial treasury.

The profits which may result from the coinage of Belgian money necessary to the colony shall accrue to the colonial budget.

It is lawful for the King to coin special money of small denomination for the colony; this money shall not circulate in Belgium.

ART. 10. The budget of receipts and expenses of the colony shall be fixed each year by the law.

Four months at least before the opening of the fiscal year the proposed budget shall be printed and distributed to the members of the legislative chambers by the minister of colonies.

If the chambers have not voted the budget five days before the opening of the fiscal year, the King shall proclaim the receipts, and every three months thereafter until there shall be a decision of the chambers there will be offered at the ministry of colonies the credit obligations necessary for temporary expenses.

The King, or within the colony the governor-general, shall direct the appropriation and, in case of urgent need, the supplementary necessary expenses. Within the three months the minister of colonies will transmit a copy of the royal proclamation or ordinance to the chambers and submit a bill of approval.

ART. 11. The accounts general of the colony shall be proclaimed by law after verification by the court of accounts.

The court of accounts will require the ministry of colonies to deliver to it all statements, written accounts, and to give all the information and explanations necessary to the verification of the receipts and expenditures.

The account general of the colony shall be transmitted to the chambers with the comments of the court of accounts.

ART. 12. The colony has no power to make loans, to guarantee the capital or the interest of a loan, or to execute public works except by appropriations duly authorized by law.

Nevertheless, if the necessities of the colonial treasury demand it, the King may, without previous authorization, issue or renew treasury bonds bearing interest and payable within five years. The treasury bonds in circulation shall not exceed the sum of 10,000,000 francs, and the money resulting from their sale shall be appropriated only to the discharge of public expenses regularly voted.

ART. 13. A special law will determine the rules regulating railway and mining concessions or concessions of domanial property.

With every railway or mining concession, every sale or concession for any time whatsoever of domanial property of a superficial area exceeding 10 hectares, there shall be issued a consent or authority by decree.

With all the documentary proofs, during thirty days of session, there shall be deposited with the bureaus of the two chambers all proposed decrees relating to—

- (a) Railway, mines, mining, or alluvial gold concessions;
- (b) Sale of domanial improved property of a superficial area exceeding 10,000 hectares;
- (c) Concession of the use of domanial improved property if their superficial area exceeds 25,000 hectares or when the concession is granted for more than thirty years.

To determine the maximum of superficial area referred to in paragraphs 2 and 3, notice shall be taken of sales or concessions of domanial property where the purchaser or concessioner may have enjoyed a prior profit.

All acts of concession will include a clause providing for repurchase and will mention the cause of the forfeiture.

Every concession shall be temporary.

ART. 14. The civil judiciary and the military judiciary shall be organized by decree.

The public prosecutors shall exercise their functions under the direction of the ministry of colonies, represented in the colony by the procureur-general of the court of appeals.

ART. 15. The permanent magistrates shall be nominated by the King. After a period, which shall not exceed three years, they shall be renominated for a term of ten years.

The right of dismissing the procureur-general of the court of appeals appertains to the King. He may not, however, either dismiss or suspend the other permanent magistrates, except upon the representation of the procureur-general for reasons set forth in the decree and in conformity with the advice of the court of appeals.

At the expiration of their terms of office the magistrates will be entitled to a pension. They may, however, be granted a pension prior to the expiration of the ten-year term, either upon their request, when they shall have rendered eight years of service in the colony, including the period of preparation, or where they are prevented by reasons of physical incapacity to efficiently discharge their duties. In the latter case the pension shall not be established except upon the advice and agreement of the supreme court of the colony.

The permanent magistrates definitely in discharge of their functions can not be removed without their consent, except in cases of urgent need and for a temporary period. In all cases of removal they shall receive a salary at least equivalent to that which pertained to the office vacated.

The salaries, leaves of absence, and pensions shall be fixed by decree.

ART. 16. The administrative authority shall not hinder, delay, or suspend the procedure of the courts and tribunals.

Nevertheless, the King may, for reasons relating to the public welfare, suspend, in any one district and for a fixed time, repressive action of the courts and civil tribunals and substitute for them military control.

ART. 17. Justice shall be rendered and executed in the name of the King.

The sessions of the courts shall be held in public, unless it shall be evident that such publicity may be dangerous to public order and morals, and in such case the court will render its decision by a judgment.

All judgments shall be for reasons, and they shall be delivered in public sessions.

The King shall have the right of remitting, of reducing, and commuting the penalties.

ART. 18. The King shall be represented in the colony by a governor-general, assisted by one or more vice-governors-general.

No one shall be admissible to the functions of governor-general unless he shall be a Belgian by birth or by naturalization, or when he has exercised one of these offices in the territories of the Independent State of the Kongo.

ART. 19. The executive power can not delegate the exercise of its rights except to persons and to constituted bodies below it in authority. Nevertheless, the power and rights delegated by the Independent State of the Kongo to the special committee of Katanga will continue in force until January 1, 1912, unless a decree shall terminate it at a prior date.



The governor-general of the colony shall exercise by means of ordinances the executive power which the King has delegated to him.

The delegation of the legislative power is prohibited. Nevertheless, the King may authorize the governor-general, in cases of urgent necessity, to temporarily suspend the execution of decrees and to issue ordinances having the force of law. The ordinances of this character shall cease to be binding after the expiration of six months, if they shall not in the meantime have been approved by decree.

The ordinances having the force of law and the general ordinances of administration shall not be binding unless they have been published.

No action shall be taken against the press, except in conformity with the laws and decrees governing such cases.

#### CHAPTER IV.—*Relating to the Minister of Colonies and the Colonial Council.*

ART. 20. A ministry of colonies is created. The minister of colonies is nominated and dismissed by the King. He shall take part in the council of ministers.

The articles 86 and 91 of the Belgian constitution are applicable to him.

ART. 21. A colonial council is established consisting of a president and four councilors.

The minister of colonies shall preside over the council. He shall have a voice in the discussion and in case of an equal division a casting vote.

Eight councilors shall be named by the King; six shall be chosen by the legislative chambers—three by the Senate and three by the Chamber of Representatives. They shall be elected by a secret ballot and by a clear majority of the votes cast.

One of the councilors named by the King and one of the councilors named by the chambers shall retire each year. The councilors shall retire according to precedence resulting from time of service.

The rank of those who may have been nominated on the same day shall be determined by drawing lots. The retiring councilors can be renominated.

The functions of a councilor and of a member of the Chamber of Representatives or of the Senate are incompatible.

The officials of the colonial administration in active service can not take part in the council.

ART. 22. The colonial council shall consider all questions which the King may submit to it.

Except in case of urgency the colonial council shall be consulted upon all proposed decrees. The drafts of the decrees shall be submitted to it by the King, accompanied by a statement of the reasons therefor.

The council shall give its advice in the form of an argumentative report within the period fixed by its organic law. The report shall indicate the number of the opposition, as well as their reasons therefor.

If the draft of the decree submitted for the King's signature does not accord with the recommendations of the council, the minister of colonies shall add to it an expression of his views.

If the council does not determine the matter within the period fixed by its organic law, the decree may be issued by the minister of colonies, accompanied by a statement of the reasons therefor.

The report of the colonial council, and eventually the report of the minister of colonies, shall be published at the same time with the decree.

The decrees issued in cases of urgency shall be submitted to the council within ten days from their date of issuance; the reasons for the urgency should be indicated to it. The report of the council shall be published not later than one month after the transmission of the decree.

ART. 23. The colonial council shall ask from the Government all the instructions which it may judge necessary in the prosecution of its work.

It may express its views to it.

#### CHAPTER V.—*Concerning foreign relations.*

ART. 24. The King shall make all treaties relative to the colonies.

The stipulations of article 68 of the Belgian constitution relative to treaties shall be applied to the treaties relating to the colony.

ART. 25. The minister for foreign affairs of the Kingdom is charged with the relations of Belgium with foreign powers in the subject of the colony.

CHAPTER VI.—*General provisions.*

ART. 26. The decisions rendered in civil and commercial matters by the Belgian courts having force in Belgium have in the colony the same force and shall be executed in full right.

All authenticated legal documents having force in Belgium shall have full force and right in the colony.

The judgments rendered in civil and commercial matters by the courts sitting in the colony having force in the colony shall have in Belgium full force if they conform to the following conditions:

First, that the decision shall not contain anything contrary to public order or to the principles of Belgian public law;

Second, that according to the colonial law it shall be in force and binding;

Third, that in accordance with the same law the copy that is exhibited shall contain the conditions necessary to their authenticity;

Fourth, when the rights of the defendants have been respected.

The decisions of the courts shall be executed by the civil tribunal; the arbitral judgments and authenticated legal documents by the president of the civil tribunal in the place where the execution must be put in force.

The authenticated legal instruments having force in the colony shall have force in Belgium when they conform to the following conditions: First, when the provisions which it is sought to put in force have nothing contrary to public order or to the principles of Belgian public law; second, when according to the colonial law they contain the conditions necessary to their authenticity.

ART. 27. Anyone under charge of a breach of law committed in the colonies, and found in Belgium, may be taken and tried there by the Belgian tribunals, conformably with the colonial penal code, but according to the forms established by Belgian law.

The investigating tribunal acting in the matter may return the person under charge to the colonial jurisdiction, either upon his request or by virtue of a unanimous decision rendered at a public sitting upon the requisition of the public prosecutor, the person charged being present or having been duly cited.

Anyone under charge of a breach of law committed in Belgium, and found in the territory of the colonies, shall be delivered to the Belgian courts to be judged according to Belgian laws.

The person charged, if the Belgian authorities have not requested his return, may be represented before the Belgian courts by special attorney.

When the breach of the law consists of infractions committed partly upon Belgian territory and partly upon colonial territory, it shall be considered as having been committed in Belgium.

When there are several accomplices, of which some are found in Belgian territory and others in colonial territory, the Belgian tribunals only are competent.

The tribunals competent to try the principals are equally competent to try the accomplices.

The decisions rendered in penal matters by Belgian courts or colonial courts shall have in Belgian territory or in colonial territory the authority of a judgment, and shall have full force therein.

Nevertheless, anyone condemned by the Belgian courts to an imprisonment of not less than six months in prison may serve said sentence in Belgium if he so requests.

ART. 28. In all matters the notification of judicial and extrajudicial acts concerning persons domiciled or resident in the colony is subject in Belgium to the general rules relative to the notification of acts concerning persons domiciled or resident abroad. Nevertheless, the minister of colonies may intervene, if necessary, in representation of the minister for foreign affairs.

Reciprocally, the notification of judicial and extrajudicial acts concerning persons domiciled or resident in Belgium is subject in the colony to the general rules relative to the notification of acts concerning persons domiciled or resident abroad.

The rogatory commissions emanating from competent Belgian and colonial authorities shall have full force in the territory of Belgium and in the colonial territory.

ART. 29. The members of the legislative chambers can not be, during their term of office, paid functionaries, salaried employees, or attorneys for the colonial administration.

From the date of promulgation of the proposed law no member of either legislative chamber can be nominated, nor if he now occupies any of the said positions, at the expiration of the term of office, be renominated a delegate of

the Government, an administrator, or a commissioner in stock companies which carry on in Belgian Kongo enterprises with a lucrative object if these functions are in any way remunerative or if the State is a stockholder in the company.

This last prohibition applies likewise to members of the colonial council, to the governor-general, to the magistrates, and to the functionaries in the service of the colonial government.

Candidates for the legislative bodies, who exercise functions incompatible with the aforesaid legislative prohibition, although elected, may not be permitted to take the oath of office until they shall have resigned.

The members of the legislative bodies can not be nominated to functions and employments referred to in paragraphs 1 and 2 until at least one year after the termination of their term of office. Nomination to the office of governor-general or of vice-governor-general of the colony shall not be subjected to this delay.

ART. 30. The functionaries and Belgian army officers, authorized to accept employment in the colony, before as well as after annexation, preserve their rank and their right of advancement in the administration or the army which they may have temporarily abandoned.

Belgian minors can not enlist in the colonial army without the written consent of their father, or of their mother when she is a widow, or, where they are orphans, of their guardian. In the last case the authorization ought to result from a family council.

During the period of their active service the Belgian military conscripts can not be authorized to enlist in the colonial army, any authorization which may be given them in violation of the existing rule of law will be considered as null and void.

ART. 31. Independently of the flag and the great seal of Belgium the colony of the Kongo may make use of the flag and the great seal of the Kongo State.

ART. 32. The decrees, regulations, and other acts now in vigor will preserve their obligatory force, except when such provisions are contrary to the present law, in which case they are abrogated.

ART. 33. Each year, together with the proposed colonial budget, there shall be presented to the Chambers, in the name of the King, a report on the administration of the Belgian Kongo.

This report will contain all the explanations necessary to enlighten the national legislative bodies in the political, economical, financial, and moral situation of the colony.

It shall render account of the disposition during the fiscal year of the annuity provided for in article 4 of the additional act of the treaty of annexation of the Independent State of the Kongo to Belgium.

ART. 34. After annexation the permanent magistrates, the functionaries, and all other agents of the Independent State of the Kongo will preserve their positions for the term and under the conditions provided in the contract of their engagements.

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No. 80.

*Minister Wilson to the Secretary of State.*

No. 401.]

AMERICAN LEGATION,  
*Brussels, September 18, 1908.*

SIR: I have the honor to report the adoption by the Belgian Senate of the treaty for the annexation of the Belgian Kongo and of the colonial law for the government thereof.

I had expected to report this important event to the department at the time the vote was taken, but delayed doing so in anticipation of the completion of the legislation by the approval of the King. This is not yet forthcoming, and the best information which I can obtain is that it may be delayed a month yet.

Whenever the treaty and the law shall have received the assent of the executive and is in its final form, the department will be informed of any changes that may have been made in the documents already in its possession.

I have, etc.,

HENRY LANE WILSON.



No. 81.

*The Belgian Minister to the Secretary of State.*

[Translation.]

No. 652.]

LEGATION OF BELGIUM,  
October 1, 1908.

MR. SECRETARY OF STATE: I have the honor to transmit herewith to your excellency a copy of a pamphlet entitled "Belgique et Kongo" published by the Federation for the defense of Belgian interests abroad.

The publication includes:

1. The text of the treaty for the cession of the Independent State of the Kongo to Belgium and the text of the additional treaty.

2. The speeches delivered on the occasion of the discussion of the treaty in the Belgian Chamber by Mr. Schollaert, minister of the interior, and Mr. Renkin, minister of justice.

The pamphlet is accompanied by a résumé setting forth the most interesting points in the two speeches.

Accept, etc.,

BN. MONCHEUR.

[Inclosure.]

The accompanying pamphlet<sup>a</sup> contains the text of the treaty whereby the Kongo State has been ceded to Belgium, and also an English translation of the speeches of the prime minister, Mr. Schollaert, and of the minister of justice, Mr. Renkin, on the subject.

As will be observed, the prime minister has pointed out with great force and eloquence that in accepting King Leopold's generous gift Belgium has provided herself with a source of enormous colonial wealth, and by the terms of the annexation has given assurance that the colony shall be developed along lines which will guarantee a successful administration and which will secure the maximum amount of benefit to the native tribes as well as to the white colonist and trader.

Special attention is called to some of the points about which there has been much popular misunderstanding and which are very clearly explained in the speeches of Mr. Schollaert and Mr. Renkin, viz:

1. The Kongo State was not created by the Berlin conference, and its internal affairs are not subject to supervision by any other power.

2. All the colonial powers in the Kongo basin are on an equality, and Belgium has the same sovereign rights and the same obligations in the Belgian Kongo as England has in British East Africa or as any other power has in its colonies in the Kongo basin.

3. The concessions granted in the Belgian Kongo are on the same basis as the concessions granted by England, Germany, and other powers in the Kongo basin. The concessionary system is not subversive of the rights and liberties of the native, nor is it an obstacle to freedom of trade. On the contrary, it is a wise measure, adopted by all colonial governments to prevent ruinous and indiscriminate exploitation of the country and to safeguard the interests of the native populations as well as the governments.

4. The land conceded in the Belgian Kongo only covers about one-fifth of the territory of the State.

5. As in other colonies, unoccupied land has been declared government property, but the native has not been deprived of his land holdings and is not in any way prevented from freely selling the produce from his lands.

6. No native can be compelled, or in any way constrained, to work for any concessionary company or individual. He is also paid for any work he does for the Government.

<sup>a</sup> Not printed.

7. The question of native taxation is a difficult one. It is universally accepted by the nations of the earth, in practice and in theory, that the native population should bear part of the necessary burden of taxation. The Belgian Government will deal with the question "with firmness and with moderation."

8. The Belgian Government will familiarize the native with the value and use of coins as rapidly as possible, so that he may pay his tax (\$1.20 to \$4.80) in currency instead of in work or in produce.

9. In taking over the Kongo, Belgium not only takes over its assets and liabilities but also takes over its international treaty obligations, which it will scrupulously fulfill. Freedom of religion and freedom of trade will be carefully respected. Belgium will continue to protect the missionaries, of whatever faith or nationality they may be, and merchants of all nations may enter on an equal footing with Belgians.

Mr. Renkin's speech contains an interesting exposition of the natural resources of the Kongo and shows the financial advantages which will accrue to Belgium by annexing the Kongo as a colony. He also calls attention to the fact that the fund of \$10,000,000 which Belgium agrees to create for colonial purposes is not a gift or payment to the King, but is to be used in the interests of Belgium and her colony. This fund is to be paid over in fifteen annual installments. According to the final decision of the Belgian Parliament all orders for the disposition of this money must be countersigned by the minister of the colonies. The King has suggested using the first installment as follows: Five hundred thousand dollars for the colonial school; \$100,000 to Belgian missions; \$100,000 for hygienic measures, especially in combating the sleeping sickness; \$60,000 in aid of Belgians invalided home from Africa.

No. 82.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Brussels, October 29, 1908.*

On Saturday, 31st, the King will create the department of colonies and appoint Mr. Renkin minister for the colonies.

On the same day will appear the royal decree provided in article 4 of annexation treaty fixing the date of Belgian assumption of sovereignty over the Kongo.

WILSON.

No. 83.

AFRICA No. 5 (1908): Cd. 4396.

FURTHER CORRESPONDENCE RESPECTING THE TAXATION OF NATIVES, AND OTHER QUESTIONS, IN THE KONGO STATE.

[In continuation of "Africa No. 4 (1908):" Cd. 4178.]

No. 1.

*Sir Edward Grey to Count de Lalaing.*

FOREIGN OFFICE, *November 4, 1908.*

SIR: I have the honor to inclose herewith the reply of His Majesty's Government to the memorandum you were so good as to communicate to me on behalf of the Belgian Government on the 13th July last relative to the annexation of the Independent State of the Kongo by Belgium.

I have, etc.,

E. GREY.

[Inclosure in No. 1.]

*Memorandum.*

On the 13th July last the secretary of state for foreign affairs had the honor to receive from the Belgian minister a memorandum containing the reply of the Belgian Government to the memorandum communicated to the Comte de Lalaing on the 23d June relative to the annexation of the Independent State of the Kongo by Belgium. In handing this memorandum to the secretary of state for foreign affairs the Belgian minister communicated at the same time a copy of the explanatory dispatch addressed to him by M. Davignon, who called attention therein to the manner in which the union of the Kongo State with Belgium under one sovereign had always been in contemplation, and observed that the Belgian Government could not see how the legitimate interests of Great Britain could possibly be injured by the annexation of the Kongo.

M. Davignon referred also to the question whether the Belgian Government are in reality bound by treaty to notify the fact of annexation of the Kongo to the other signatory powers of the Berlin treaty, and to the right of His Majesty's Government to make reservations in regard to their acceptance of such annexation.

In the memorandum itself the Belgian Government express their readiness, when annexation has actually taken place, to give prompt and full effect to the decree of the 3d June, 1906, with regard to increased grants of land to the natives for cultivation and trade purposes, and with regard to the holding of inquiries in the villages, in order to fix the extent of the lands to be reserved for the inhabitants. The Belgian Government go on to state that definite regulations will be drawn up for the sale of domain lands for the use of missionaries and traders, and that the greatest care will be taken to make the concessionary companies respect the liberty of the natives to work, as well as their right to dispose of the products of the lands assigned to them.

With regard to arbitration, the Belgian Government undertake to give any proposals that may be made their most favorable consideration, subject, however, to the consent of the Belgian chamber, and to the reservation that the points at issue do not concern the honor or national sovereignty of the country.

The memorandum then proceeds to state that, having taken note of the repeated assurances of the Belgian Government in regard to their loyal and entire execution of their treaty obligations, His Majesty's Government will surely admit that they are now in receipt of all the guarantees which the Belgian Government are in a position to afford, and it concludes by observing that, in the opinion of the Belgian Government, the best solution of all questions which may arise after annexation has taken place will be found in arriving at a direct understanding between all the powers having possessions in the conventional basin.

With regard to the first point, the right, namely, of His Majesty's Government to make stipulations before assenting to the annexation of the Independent State by Belgium, His Majesty's Government observe that the Belgian Government, while stating that they do not wish to discuss the question whether article 34 of the Berlin act can be considered as being applicable in the present circumstances to Belgium, at the same time advance certain reasons, which, in their opinion militate against such applicability, and refer to the title given to Chapter VI of the Berlin act, "Declaration relative to the essential conditions to be observed in order that new occupations on the coasts of the African continent may be held to be effective," and the text of article 34, which runs as follows:

"Any power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the power which assumes a protectorate there, shall accompany the respective act with a notification thereof, addressed to the other signatory powers of the present act, in order to enable them, if need be, to make good any claims of their own."

His Majesty's Government, however, desire to draw the especial attention of the Belgian Government to the expressions "new occupations" and "any power which henceforth takes possession of a tract of land \* \* \* outside its present possessions." The reasonable interpretation of these provisions seemed to His Majesty's Government to be that the Belgian Government, which



had not previously had any possessions in the African continent, would, when acquiring such possessions, notify the fact to the other powers concerned.

His Majesty's Government do not, however, wish to lay any undue stress upon the interpretation of any one particular article in any particular treaty. They desire rather to base on the more general grounds of international policy their claim to receive such information as will satisfy them that in the measures which are to follow the transfer to another power of the vast territories of the Independent State full weight will be given to the representations which they have made, and which have throughout been conceived in the most friendly spirit.

The territories of the Independent State touch those of His Britannic Majesty at many points, and it can not therefore be a matter of indifference to His Majesty's Government how they are governed, inasmuch as the maladministration of any one State can not but react to the prejudice of its neighbors, more especially in a continent like Africa.

Now, the manner in which the Independent State has hitherto been governed has been notoriously different from that obtaining in neighboring territories, and has for many years past caused great anxiety to His Majesty's Government as bearing on the state of affairs on the Anglo-Kongolese frontier, and as giving rise to well-grounded fears lest it should injuriously affect the kindred tribes living in British territory.

His Majesty's Government therefore consider that, if only on the ground of the manner in which the state of things prevailing in the Kongo State reacts on the native tribes under British rule, they are amply justified, now that there is a question of that State passing under a new government, in taking every possible precaution to secure that the new administration shall not repeat the fatal errors of the old, and in requiring a specific undertaking that the grievances of which they have so often complained shall be remedied within a reasonable period of time.

But besides their right to secure the peace of their own borders, His Majesty's Government hold most strongly that the terms of the declarations exchanged between the Government of her late Britannic Majesty and the International Association of the Kongo on the 16th December, 1884, entitle them, when the territories of the association are about to pass to a new owner, to satisfy themselves that the transfer will result in the introduction of a system of government which will correspond more nearly with the intentions of the signatories of those declarations and fulfill the conditions on which His Majesty's Government originally recognized the creation of the Kongo State.

In the declaration of the association it is expressly laid down that it has been founded "for the purpose of promoting the civilization and commerce of Africa, and for other humane and benevolent purposes;" and in the declaration of His Britannic Majesty's Government it is stated that they "declare their sympathy with and approval of the humane and benevolent purposes of the association, and accordingly recognize its flag as the flag of a friendly government."

It is thus obvious that the reason which chiefly determined the Government of her late Majesty Queen Victoria to recognize the flag of the association was the belief that the government of the association would prove a blessing to the native and an encouragement to general commerce.

The whole tenor of the representations which His Majesty's Government have been making for the past few years to the Government of the independent state, and within the last few months to the Belgian Government, will show sufficiently that they are very far from being able to think that either of the objects has been attained.

His Majesty's Government take note with satisfaction of the declaration of the Belgian Government, now renewed, that the international obligations contracted by the independent state will continue to bind its successor. In their opinion, however, these obligations have not so far been properly carried out, and in these circumstances it is not unreasonable that they should ask for some guarantee that the system of government of which they have constantly complained will be changed.

To pass now from the consideration of M. Davignon's dispatch, which has so far formed the subject of the present aide-mémoire, to the study of the memorandum inclosed therein, the following points appear to be those which are principally dealt with:

(a) The extension of the lands to be assigned to the natives for the purposes of trade and cultivation;

(b) The respect of the freedom of labor, as also of the right of the natives to dispose of the produce of the lands assigned to them; and, lastly,

(c) The question of arbitration in regard to "any differences of view as to the meaning of the treaties which bind the Kongo State in regard to commercial questions, should an understanding be unattainable by ordinary diplomatic methods."

With regard to (a) and (b) His Majesty's Government take note with great satisfaction of the assurances given by the Belgian Government, but, while fully aware of the difficulty which must necessarily attend any immediate and violent change in the system hitherto pursued in regard to these points by the Kongo Government, they must at the same time express their disappointment that no indication is given in regard to the introduction in the near future of improvements in the existing conditions.

His Majesty's Government have for a number of years past maintained that the practice pursued in these matters by the independent state has been at variance with the spirit of the Berlin act, and from that practice they believe it to be incontestable that the natives, not to mention traders and missionaries, have suffered severely.

While noting, therefore, with pleasure the intention which the Belgian Government express to put into force the decree of the 3d June, 1906, under which inquiries are to be instituted in the native villages, with a view to determine the extent of land to be allotted to the natives, and while admitting that it is at present impossible for the Belgian Government to fix a definite date within which satisfactory reforms on all these points can be completed, they feel bound to ask for more definite assurances than are furnished by the memorandum now under reply.

They consider it, for instance, essential that some immediate amelioration should be introduced into the lot of the native population, which has for so long been suffering under the system of administration hitherto so unfortunately pursued by the authorities of the independent state.

His Majesty's Government fully recognizes the firm intention of the Belgian Government to lighten the burden of the natives, but they are anxious to make quite clear what is, in their opinion, the essential point. An increase in the area of each village will certainly enable the tribe to shift the site as sanitary or other reasons dictate; it will give space for new cultivation while the old fields lie fallow; it will prevent excessive wandering, and thereby lessen the risk of disputes with neighboring communities; it will check wasteful destruction of the forest for purposes of cultivation; it will be, in short, an administrative measure which will facilitate the work of the executive, but it will not assist the native to any appreciable extent in trading in the natural products of the soil. From the information in the possession of His Majesty's Government it would seem that in the majority of cases the rubber in the vicinity of the villages is exhausted, and the natives have to go many hours, and often many days, to find the vines. If, therefore, the natives are to have a possibility of trading in the natural products of their country this condition of things calls for consideration, and it seems to His Majesty's Government that a means of meeting it already exists.

From trustworthy information in the possession of His Majesty's Government it would appear that at the time when the present system of land tenure in the Kongo was initiated, and all lands were declared state property regardless of native rights, tribal landmarks were set up by the natives themselves in order to prevent the frequent local feuds caused by the members of one tribe trespassing in search of rubber into the territory of another. These tribal landmarks are still in existence throughout the Kongo territories, and are at the present time tenaciously adhered to by the native population; they would be at once available as indications of the lands within which the natives should be free to trade in all the natural products of the soil and to cultivate for their own use. Such a return to native communal tenure in land and produce, as it existed prior to 1891-92, would lead to a sensible and immediate alleviation of the unhappy condition in which at present the original inhabitants of the country find themselves, deprived, as they are, of all right to these same products of the soil, which are the only means by which they can earn more than a bare subsistence, and with no protection either from the concessionary companies or the State in the shape of a guaranteed fair minimum price for the rubber or other produce gathered. They would thus be enabled to await with some patience the results of the fuller investigation into their rights which the Belgian Government promises, and which, as it will necessarily have to be

carried out by degrees in cooperation with the chiefs and people, must take a considerable time. His Majesty's Government understand, of course, that this investigation will deal not only with the area allotted to the concessionary companies, but with the whole territory of the State.

His Majesty's Government have no wish to appear to dictate to the Belgian Government the exact lines on which that investigation should proceed. They believe, however, that it will not be found altogether useless if they summarize here the methods which have been employed by the different British colonial administrations in dealing with questions of a similar nature in British possessions.

These methods have naturally varied, but, so far as the colonial possessions under the control of the colonial office are concerned, the underlying principle has been that just, amounting in some cases to very liberal, treatment should be meted out to the natives.

On the west coast of Africa fairly well defined tribal divisions have existed almost from time immemorial, and government action has been generally confined to the maintenance of those divisions or to the adjustment of disputes when differences of opinion have arisen between tribes as to the actual position of their boundaries.

In the East Africa Protectorate the circumstances are different. The population consists partly of quasinomad tribes, who shift their ground for grazing purposes at different times of the year, and partly of tribes who have definitely settled in certain districts. There are also large tracts of land which are unoccupied. In the case of the tribes of the first class, the policy pursued by the British colonial office has been to leave them alone where they are not in proximity to the settled areas. When, as in the case of the Masai, their grazing grounds have been near the settled areas, and there was therefore a danger of friction between them and the white settlers, ample lands have, with their own concurrence, been given them elsewhere, which are guaranteed to them and their descendants as inviolable reserves. In the case of the nonnomadic tribes, the tribal possessions are scrupulously respected, as on the west coast of Africa. The Crown only deals with the unoccupied land outside the reserves and tribal possessions.

In Uganda the whole question has been dealt with by agreement between the Government and the Kabaka chiefs and people of Uganda.

Turning to South Africa, reserves have been assigned to the natives of Rhodesia for their exclusive use and occupation, and the Imperial Government have provided for a sufficiency of land, although the country was acquired by conquest.

In Basutoland the natives are in entire possession of the whole of the land, with the exception of a few government and mission sites. It is, in fact, a vast native reserve.

In Bechuanaland, where the natives were quasinomad, extensive reserves have been assigned to the leading chiefs for the occupation of the chiefs and their tribes. The land assigned is sufficient for all purposes and there is no discontent.

Lastly, in the southern Pacific, immediately on the annexation of Fiji, the British Government assured the natives of the possession of the full property in all the lands which they occupied, and reserved for itself only such lands as were not in the actual occupation of any tribe or required for their support. As a matter of fact, although the native population has largely decreased since the annexation, no diminution has been made in the extent of the lands held by the natives, who now own upward of 4,000,000 acres, while their numbers do not exceed 100,000. All the boundaries were stated, at the time of taking over, to be known.

To come to point (c) of the memorandum, the question, namely, of arbitration in regard to any divergence of views as to the meaning of the treaties which bind the Kongo State in regard to commercial questions in the event of its being impossible to arrive at an understanding by ordinary diplomatic methods.

The memorandum states that, in the first place, the Belgian Government find it difficult to admit that Belgium alone among the powers signatory of the Berlin act is to give to one of those powers a general undertaking which would differ as regards arbitration from the principle laid down in article 12; further that if, after the annexation of the Kongo, the Belgian Government were to be invited to refer to the permanent tribunal of The Hague any dispute arising from a divergence of opinion as to the interpretation of the treaties binding the Kongo State, they would give the proposal their most favorable considera-



tion. The memorandum states, lastly, that the Belgian Government hold that the Belgian constitution would oblige the Belgian Government to submit for the approval of Parliament any proposal for arbitration in regard to questions of a commercial character, as well as those of which the settlement would affect either the finances of the State or the private interests of Belgian subjects.

From the remarks on the subject, of which the above is a summary, contained in the memorandum under reply, His Majesty's Government fear that the paragraph of the British memorandum of the 23d June last, to which they are in reply, was not expressed as clearly as might have been desired.

It will be seen on reference to the memorandum referred to that it may be divided into two parts—one dealing with the rights of the natives of the independent state, and one which is concerned solely with such articles of the treaties binding the Kongo State as bear on commercial questions. With regard to the first, the memorandum clearly laid down that while His Majesty's Government were not disposed unduly to press the Belgian Government in connection with the settlement of questions of a highly complicated nature, they at the same time considered these questions to be of such a nature that they were unable to engage to recognize the transfer of the independent state to Belgium until they had received an assurance that these questions would be settled in a manner satisfactory both to them and to public opinion in this country.

With regard to the second part of the memorandum which dealt with the purely commercial obligations of the Kongo State under its treaties, His Majesty's Government merely asked that the Belgian Government would give a formal assurance that they would not refuse, if invited to do so, to refer to arbitration any differences of view as to the meaning of those articles in the treaties binding the Kongo State which bear on commercial questions. His Majesty's Government take note with satisfaction of the desire of the Belgian Government to affirm the sympathy which it has always felt for arbitration; they would raise no objection to the method preferred by the Belgian Government of settling disputes by direct understanding between all the powers having possessions in the conventional basin. But they observe that such a method of settling a dispute between any two powers is not practicable except by the agreement of the other powers in question; and in the event of the method proposed by the Belgian Government not proving practicable or conclusive within a reasonable time His Majesty's Government must reserve their full liberty to press for arbitration.

Finally, His Majesty's Government trust that the Belgian Government will have no difficulty in giving an assurance that equal facilities will be given to Christian missionaries of all denominations for the prosecution of their work and the free exercise of their religion, both by themselves and their converts, in all parts of the Kongo territory.

The friendship between the two nations, of which there has been constant evidence in the course of the present discussion, inspires His Majesty's Government with the hope that such assurances on all the points under discussion will be forthcoming as will still further increase and strengthen those ties of amity to whose continued existence His Majesty's Government attach so high a value.

FOREIGN OFFICE, November 1, 1908.

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No. 2.

*Count de Lalaing to Sir Edward Grey.—(Received November 17.)*

[Translation.]

BELGIAN LEGATION,  
London, November 16, 1908.

M. LE SECRÉTAIRE D'ÉTAT: I have the honor to acknowledge the receipt of your excellency's note of the 11th November, in which you were good enough to inform me of your intention to communicate to Parliament the memorandum of the 1st November containing the reply of His Britannic Majesty's Government to the memorandum of the King's Government dated the 12th July last.

In the course of the preceding negotiations the two governments had come to an agreement with a view to the simultaneous publication and submission to the Parliaments of the two countries of the diplomatic memoranda exchanged be-

tween London and Brussels on the subject of the annexation of the Independent State of the Kongo by Belgium.

It seems to the King's Government that it might have been preferable to follow the same procedure, and in order to supply the Belgian and British Chambers with simultaneous information, to lay before the two chambers both the requests put forward and the answers thereto.

My Government will not fail to communicate to your excellency a reply to the British Government's memorandum of the 1st November, the very friendly tone of which it deservedly appreciates. But time will be needed for the preparation of this reply, which has already been put in hand, owing to the transference of authority from the government of the Kongo State to the Belgian Government, and to the still incomplete organization of the ministry for the colonies, which has to furnish the ministry for foreign affairs with some of the data required for the said reply.

I am instructed to request your excellency to be so good as to publish, if you think it possible, the present letter at the same time as the memorandum of the 1st November addressed to the King's Government.

I take, etc.,

LALAIING.

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No. 84.

*The Minister of Belgium to the Secretary of State.*

No. 737.]

LEGATION OF BELGIUM,  
Washington, November 4, 1908.

MR. SECRETARY OF STATE: Pursuant to my Government's orders I have the honor to advise your excellency that the law approving the treaty for the resumption of the Independent State of the Kongo by Belgium was promulgated and published in the *Moniteur Belge* of October 20 last, a copy of which is inclosed herewith.

In consequence whereof the sovereign powers of the State of the Kongo are now transferred to Belgium, which will very soon assume the administration of the colony of the Kongo.

The Belgian Government will promptly issue new exequaturs to consular officers of the Governments which request it.

The Belgian authorities in the colony will hereafter have jurisdiction in business to be transacted with the said officers concerning their respective governments and nationals.

Accept, Mr. Secretary of State, the assurance of my very high consideration.

BN. MONCHEUR.

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[Inclosures.]

*Moniteur Belge*, October 20, 1908, containing laws, royal decrees, and government acts as follows:

1. Law effecting the transfer to Belgium of the Independent State of the Kongo. (Not printed.)
2. Treaty of cession of the Independent State of the Kongo to Belgium. Printed with Mr. Wilson's No. 261, December 7, 1907.
3. Provisional arrangement for expenditures. (Not printed.)
4. Additional provisions to the treaty of cession. (Not printed.)
5. Convention between the Holy See and the Independent State of the Kongo, May 26, 1906. (Not printed.)
6. Law approving additional act to the treaty of cession. (Not printed.)
7. Additional act to the treaty of cession. (Not printed.)
8. Decree suppressing the foundation of the Crown. (Not printed.)
9. Annexes to the additional act to the treaty of cession. (Not printed.)
10. Credits of the foundation. (Not printed.)
11. Law governing the Belgian Kongo. (Not printed, but for text see inclosure to Mr. Wilson's No. 393, August 21, 1908, translation of the law.)

No. 85.

*Minister Wilson to the Secretary of State.*

No. 422.]

AMERICAN LEGATION,  
*Brussels, November 10, 1908.*

SIR: I have the honor to transmit herewith copy and translation of a note from Mr. Davignon, the Belgian minister for foreign affairs, conveying the official information of the issuance of the royal decree carrying into execution article 4 of the treaty of annexation of the Kongo to Belgium, and fixing the date on which the Government of the King will assume the exercise of sovereignty over its colonial possessions.

A copy of this note has of course been furnished to all of the legations accredited to Brussels and the communication is therefore, in some sense, a circular note.

The British minister, Sir Arthur Hardinge, believes that the note does not properly require an answer, and he has made none. My own opinion is different, and I have thought it proper to make courteous acknowledgment of the communication, while in no way committing our Government. A copy of my note of reply is herewith transmitted.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure 1.—Translation.]

*The Minister for Foreign Affairs to Minister Wilson.*

MR. MINISTER: A royal decree, carrying into execution article 4 of the treaty of annexation of the Independent State of the Kongo to Belgium, has fixed on the 15th of this month as the date on which the Government of the King will assume the exercise of sovereignty in its colonial possessions.

On the eve of assuming the direction of the affairs of the colony which will be of interest to the powers, I beg to assure your excellency that my most lively desire will be to continue, whenever your excellency will have occasion to transact business with this department, the excellent relations which, I congratulate myself, I have always had with you.

I am, on my side, certain of the kindly assistance which your excellency will give me with this end in view.

J. DAVIGNON.

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[Inclosure 2.]

*Minister Wilson to the Minister for Foreign Affairs.*

NOVEMBER 6, 1908.

MR. MINISTER: I have the honor to acknowledge your excellency's esteemed note of November 6 conveying the information that the royal decree carrying into execution the provisions of article 4 of the treaty of annexation is fixed for issuance on the 15th of November, on which date the Government of the King will assume sovereignty over its colonial possessions.

Highly appreciating your excellency's courteous expressions while bringing this important action to my knowledge, I beg leave to advise you that I have immediately transmitted the information to the Government at Washington and asked for instructions therein.

HENRY LANE WILSON.



No. 86.

*Consul-General Handley to the Secretary of State.*

No. 8.]

AMERICAN CONSULATE-GENERAL,  
*Boma, November 24, 1908.*

SIR: I have the honor to report that Mr. W. Thesiger, British consul at Boma, returned from his trip of investigation of conditions in the Kasai district, particularly that of the Kasai Company, on September 9, after spending four months in the interior. The latter part of the month he sent to his Government an exhaustive report on the conditions as he found them in that district. I have been able to secure from him considerable information relative to the present state of affairs in that part of the Kongo, and herewith submit, for the information of the department, a summary of the information obtained:

The Kasai Company came into existence in December, 1901, by a convention or agreement between the directors of the company and the Independent State of the Kongo, its object being to gather rubber, gum copal, and all other vegetable products in the enormous district known as "the Kasai." This privilege was granted for a term of thirty years, and it is, I believe, the largest and most important of the concessionary companies now doing business in the Kongo Free State.

Mr. Thesiger found that in the company's dealings with the native population they habitually disregard the state regulations for the prevention of wilful waste of the rubber resources of the country and cast aside every restriction imposed upon them for the purpose of safeguarding the native rights. That this systematic violation of the Kongo Free State laws can not be carried on without the knowledge of the directors of the company and that it would be impossible but for the wilful blindness, if not actual connivance, of the state officials themselves.

He declares that in all the country through which he passed, where this company has established posts, their agents have issued orders that the vines are to be cut and not tapped, as in the past, the quantity of rubber procurable from the latter method not being sufficiently large to satisfy the greed of the company.

There are stringent laws against this cutting of the rubber vines and state forest inspectors who are supposed to report to the authorities all cases which come under their notice.

Referring to the wholesale destruction of the vines now going on unchecked he says: "In the 31 villages which I visited in the Bakuba district they sent in monthly 173,000 balls of rubber, weighing on an average from 22 to 28 pounds per 1,000, and that experience shows that it takes from 20 to 40 feet of vine to make 10 balls."

Although the Kasai Company claims that all their rubber is made by voluntary labor; that it is in no way a tax, and that their agents have neither the right nor the power to force the native to bring it in, the consul claims that "each village is taxed at so many balls a month and that any shortage is punished by imprisonment, fines, or chicotte," while the amount fixed is so high that the natives, espe-

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<sup>a</sup> Flogging.

cially the Bakuba, have no time to cultivate their fields, repair their houses, hunt, or fish."

While the company also deny the employment of armed sentries, he declares "they have in every village or group of villages one or more *capitas*,<sup>a</sup> who are, with few exceptions, all armed with cap guns. It may be mentioned that the villagers have to supply gratis to these *capitas* food, palm wine, a house, and a woman."

The Free State law prohibits the carrying of cap guns by the *capitas* or native agents of companies who have to deal with the natives in commercial matters.

No trader or commercial agent has any right to punish a native by imprisonment or by flogging. In this regard the consul says "that the Kasai Company agents not only punish the natives in these and other ways for any shortage in the month's supply of rubber but allow their native *capitas* to usurp the same powers in the fullest measure in the villages under their charge. I heard of three cases in which these *capitas* imprisoned women in order to bring pressure upon the men."

Referring to the military raids to enforce the collection of rubber, Mr. Thesiger states that "the company forces Lukengu, a powerful king of the Bakubas, to carry out these raids for them with his native soldiers, who, to the number of some 300 or more, are all armed with cap guns; these soldiers can be met with all over the Bakuba territory, scouring the country for the purpose of enforcing the rubber tax, making prisoners and collecting fines for the benefit of the Kasai Company." He mentions two incidents of these raids. Summarizing the foregoing it will thus be seen that in five different ways: (1) By cutting the vines, (2) by imposing taxes for the benefit of the company, (3) by employing armed sentries, (4) by punishing natives without legal authority, (5) by causing military raids to be made to force the natives to make rubber, the Kasai Company is, for the sake of profit, deliberating breaking the laws of the State; the laws of humanity are still less regarded.

In the Bakuba country he found everywhere, except in the villages exempt for some special reason, that the rubber tax was so heavy that the villagers had no time to attend to the necessities of life, and many of the *capitas* told him that they had orders not to allow the natives to clear the ground for cultivation, to hunt, or to fish, as it took up time which should be spent in making rubber. Even so, in some cases, the natives can only comply with the demands made on them by utilizing the labor of the women and children. In consequence their huts are falling to ruin, their fields are uncultivated and are fast being overgrown by brush, and the people are short of food.

This district was formerly so rich in corn and millet and other foodstuffs that the mission of Luebo used in the old days to send there and buy maize for their workmen; now, as regards cultivation, he says, "It is almost a desert and my carriers often had difficulty in procuring sufficient food. The rainy season was approaching and everywhere the complaint was made that the men were not allowed to utilize the few remaining weeks in clearing new ground for the sowing of next year's crop. This means that in the coming year there will be an increased shortage of food."

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<sup>a</sup> Native corporals.

With regard to the position of the Government in reference to these abuses, he states: "They must either confess their utter incompetency to enforce their own laws, so far as these companies are concerned, or confess their complicity in these practices."

The consul met several of the younger officials who, he thinks, would willingly use what power they have to put an end to this state of things, but they are to a large extent powerless in the face of the central authority, which does not overlook the fact that it holds 50 per cent of the shares in the Kasai Company, which is, under its present methods, making a profit of some 8,000,000 francs yearly.

Much credit is taken by the state and company for the abolition of the tax in "croisettes,"<sup>a</sup> "but this tax," the consul affirms, "has been supplanted by still more unjustifiable methods of extortion, and I have no hesitation in affirming that the Kasai Company, even if judged by Kongo Free State law, has justly forfeited every right to the privileges granted them by the government in December, 1901, and that no methods of reform or change of administration will be of any real benefit to the people of this district unless it includes the entire abolition of this company, which has so long been held up as a model of what a concessionary company should be."

It is impossible in this short summary to deal at any length with the question of domestic slavery, which is generally known to prevail throughout the Kasai district. Suffice it to say that the State is taking no real measures to insure its extinction within a reasonable time. Under the pretext that slavery being abolished by decree there can be no slaves in the Kongo, they will not take any measures to insure to the slave the power of redeeming himself and refuse to acknowledge any written certificate of redemption to have any legal value. Slaves who have purchased their redemption are therefore always liable to recapture, and this recapture is made easy for the owner by the chefferie law, under which state agents and state soldiers are employed, as in a recent case in Luebo, to assist native chiefs in capturing any man whom they may declare to belong to them.

Domestic slavery is distinctly profitable to the State and to employers of labor; as so long as a tribe is well provided with slaves their chiefs will always be ready to respond to any demand made to them with the authority of the local official, for carriers or workmen. It is also profitable to the owner, who receives a large percentage of the wages earned by the slaves thus hired out.

One way to insure the gradual extinction of this evil would be to recognize openly its existence, and to provide every facility to the native to redeem himself at a fixed moderate price, and to give him an official certificate that he has purchased his freedom.

Many of the violations of law and abuses that the consul has referred to in the foregoing report have been the subject of correspondence between this consulate-general and the American missionaries who are stationed at Luebo. Other consular officers here have reported to their governments the prevailing conditions existing in the Kasai district, and some of the missionaries have vigorously protested to the vice-governor-general at Boma, yet the prevailing opinion is that no special consideration, arriving at a thorough and un-

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<sup>a</sup> Small copper crosses used in the Kasai district in payment for rubber.



biased investigation of these conditions, has been manifested by the authorities.

I have the honor to be, sir, your obedient servant,

WM. W. HANDLEY,  
*American Consul-General.*

[The British report is printed in Africa, No. 1 (1909) Cd. 4466.]

No. 87.

*Minister Wilson to the Secretary of State.*

No. 429.]

AMERICAN LEGATION,  
*Brussels, November 27, 1908.*

SIR: I have the honor to transmit herewith three copies of No. 2 of the Official Bulletin of the Belgian Kongo, which contains the decree <sup>a</sup> organizing the colonial council of Belgium.

The principal points of this decree are as follows:

First. Provision is made that the minister for colonies shall be president of the council; if the latter is absent or unable to preside, his duties shall be discharged by the secretary-general or by a director-general designated for that purpose.

Second. A secretary appointed by the King is attached to the council as a consulting member. He shall make the procès-verbal of the meetings and sign the same after their approval by the council.

The secretary and the members of the council are to be paid a monetary compensation with free transportation on the railways to and from the place of meeting.

Third. The department of colonies must transmit to the office of the secretary all proposed decrees and, in general, all questions which the King may desire to submit to the examination of the council. It shall also transmit, within ten days following their issuance, the decrees issued in cases of urgency.

Fourth. The council must make its report within one month from the day on which its first sitting occurs.

Fifth. The council has the right to take definite decisions when a majority of its members is present, but such decision shall be valid only when a majority of the regular members is present.

I have, etc.,

HENRY LANE WILSON.

No. 88.

*Minister Wilson to the Secretary of State.*

No. 434.]

AMERICAN LEGATION,  
*Brussels, December 3, 1908.*

SIR: I have the honor to transmit herewith copies of the official report <sup>a</sup> of the session of the Belgian Chamber of Representatives of

<sup>a</sup> Not printed.

November 24, which contains the proposed budget for the administration of the Belgian Kongo.

The proposed budget appropriates 962,450 francs or \$192,450 for the central or Belgian administration, to be met by a charge against the revenue of the foundation of the crown; 36,094,036 francs or \$7,218,807 for the current expenses of the local or active administration of the Kongo, to be met by a charge against the receipts thereof, and 8,423,300 francs or \$1,684,660 for the extraordinary expenses growing out of the treaty of annexation, to be met by a loan.

A tabulated statement<sup>a</sup> showing the purposes to which the respective items of \$7,218,807 and \$1,684,660 will be applied accompanies the "exposé des motifs"<sup>a</sup> of the minister. This includes the extraordinary expenses incurred under the treaty of annexation, salaries for civil and military employees, and all of the other expenses which would naturally accompany the installation and maintenance of a new régime in the Kongo.

I have, etc.,

HENRY LANE WILSON.

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No. 89.

*The Secretary of State to the Minister of Belgium.*

DEPARTMENT OF STATE,  
Washington, January 11, 1909.

SIR: I have the honor to acknowledge the receipt of your note of the 4th of November last, transmitting a copy of the *Moniteur Belge* in which is published the law approving the treaty by which Belgium takes over the sovereignty of the Independent State of the Kongo, and stating the Belgian authorities in the colony will hereafter transact business with consular officers, to whom new exequaturs will be issued if their governments so desire.

The Government of the United States has observed with much interest the progress of the negotiations looking to such a transfer, in the expectation that under the control of Belgium the condition of the natives might be beneficially improved and the engagements of the treaties to which the United States is a party, as well as the high aims set forth in the American memoranda of April 7 and 16, 1908, and declared in the Belgian replies thereto, might be fully realized.

The United States would also be gratified by the assurance that the Belgian Government will consider itself specifically bound to discharge the obligations assumed by the Independent State of the Kongo in the Brussels convention of July 2, 1890, an assurance which the expressions already made by the Government of Belgium in regard to its own course as a party to that convention leave no doubt is in entire accordance with the sentiments of that Government. Among the particular clauses of the Brussels convention which seem to the United States to be specially relevant to existing conditions in the Kongo region are the clauses of Article II, which include among the objects of the convention—

To diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their wel-

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<sup>a</sup> Not printed.

fare; to raise them to civilization and bring about the extinction of barbarous customs, \* \* \*

To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centers of cultivation and of commercial settlements.

The United States has been forced to the conclusion that in several respects the system inaugurated by the Independent State of the Kongo has in its practical operation worked out results inconsistent with these conventional obligations and calling for very substantial and even radical changes in order to attain conformity therewith. The operation of laws requiring the natives who have little or no money to pay taxes in labor appears to have resulted in reducing the natives in certain large portions of the territory of the Independent State of the Kongo to a condition closely approximating actual slavery. The granting of concessions to various private corporations and associations, giving to them exclusive rights of exploitation of very large tracts of territory, and the inclusion of a very great part of the remaining territory of the country in the domain declared to be owned in severalty, and described in various official acts as *domaine privé*, *domaine public*, *domaine national*, and *domaine de la couronne*, has the practical effect of excluding the greater part of the territory of the State from the possibility of purchase and of rendering nugatory the provisions of the declaration of 1884, under which the International Association of the Kongo granted "to foreigners settling in their territories the right to purchase, sell, or lease lands and buildings situated therein, establish commercial houses, and to there carry trade upon the sole condition that they shall obey the laws," and the similar provisions of the treaty of January 24, 1891, between the Independent State of the Kongo and the United States of America assuring to the citizens of the United States the right to freely exercise their industry or their business in the whole extent of the territories of the Independent State, and the right to erect there religious edifices and to organize and maintain missions, and the provisions of the Brussels convention of July 2, 1890, imposing upon the Independent State of the Kongo the duty to prepare the way for the foundation of permanent stations of cultivation and of commercial settlements, and to protect the missions which were then or might thereafter be established. The effect of these dispositions of territory has been to withdraw from sale, and therefore from occupancy for the purposes described, the greater part of the area of the Independent State and prevent the exercise of the rights conferred by the conventional stipulations referred to.

The effect of the same preemption of territory has also been to withdraw from the natives in a great degree the enjoyment of those benefits which they formerly derived from their customary tribal rights over large tracts. In a country where there has been no ownership of land in severalty by the natives, but only communal ownership of rights over extensive tracts, to allot to the Government and its concessionnaires ownership in severalty to all the lands not already owned and held in severalty is in effect to deprive the natives of their rights to the soil, and this has been in a great measure the effect of the system which has been followed in the Independent State of the Kongo.



The Government of the United States is much gratified to know that since the American memoranda of April 7 and April 16, 1908, the Government of Belgium has expressed its purpose to extend the area of the lands to be assigned to the natives for their cultivation and traffic pursuant to the royal decree of June 3, 1906, and it confidently expects that the restoration of land to the natives will be commensurate with the value of the communal rights of which they have been deprived hitherto, and will put the natives in a position by means of adequate provision out of their own territory to realize the benefits which were contemplated by the arrangement under which the title and control over the territory of the Independent State of the Kongo was vested in that State for the humanitarian purpose of improving the condition of the natives and securing to them the blessings of civilization.

It should always be remembered that the basis of the sovereignty of the Independent State of the Kongo over all its territory was in the treaties made by the native sovereigns who ceded the territory for the use and benefit of free states established and being established there under the care and supervision of the International Association, so that the very nature of the title forbids the destruction of the tribal rights upon which it rests without securing to the natives an enjoyment of their land which shall be a full and adequate equivalent for the tribal rights destroyed.

It may be timely to revert in this relation to the hope expressed in the American memorandum of April 16, 1908, that the Belgian Government may see its way clear to accept frankly and promptly the proposition to refer to arbitration all purely commercial and economic questions, as being a procedure entirely in accordance with the rapidly growing practice of civilized nations; and to the statement in the Belgian memorandum in reply, dated July 24, 1908, that the Belgian Government finds no difficulty in declaring that if, after annexation, it were invited to refer to the tribunal of The Hague, as a last resort, a difference arising from a divergence of appreciation in the interpretation of the treaties which bind the States of the Kongo, it would examine the proposition with special benevolence and be inspired by the broad views which guided it in the drafting of the arbitration treaties concluded by Belgium.

The scope of this declaration would, however, seem to be abridged by the considerations which follow it in the Belgian memorandum reply. These seem to limit the applicability of such eventual arbitration to questions under the collective act of Berlin; to require the joining in the arbitration of other powers holding possessions in the Kongo basin; and to advocate, in place of a recourse to arbitration, the attainment of a direct understanding for the settlement of disputes "in the commercial basin of the Kongo among all the powers holding territories in that region." It is not to be lost sight of that the United States has a direct commercial interest in the particular territory of the Independent State of the Kongo by reason of its treaty with that State of January 21, 1891, which, besides pledging specified rights of commerce and intercourse, gives to the United States, as well as to its citizens, the right to the treatment of the most-favored nation. This consideration may seem to have been overlooked in the Belgian memorandum reply, which, in conclusion,

answers the expectation of the United States that, in virtue of its existing treaties, it will obtain all the privileges, commercial and otherwise, accorded in the Kongo to other nations by the statement that "when it annexes the possessions of the Independent State, Belgium will inherit its obligations as well as its rights; it will be able to fulfill all the engagements made with the United States by the declarations of April 22, 1884." It would be gratifying to the United States to know that the last clause of the statement just quoted is not intended to confine the rights of the United States in the Independent State to the declarations of the Commercial Association which preceded the creation of the Kongo State as a sovereign power, but includes the conventional rights conferred upon the United States by the treaty concluded with the Independent State immediately after its recognition.

In the absence of a fuller understanding on all these points, I confine myself for the present to acknowledging your note of the 4th of November last and taking note of the announcement therein made.

Be pleased to accept, sir, the assurance of my high consideration.

ELIHU ROOT.

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No. 90.

*Minister Wilson to the Secretary of State.*

No. 449.]

AMERICAN LEGATION,  
Brussels, January 26, 1909.

SIR: I have the honor to transmit herewith a translation of the reply made in the German Reichstag by the foreign secretary, Herr von Schoen, to an interpellation as to the attitude of Germany toward the question of the annexation of the Kongo by Belgium.

I am sending this translation, thinking that possibly it might not have been forwarded from Berlin.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure.—Translation.]

In the budget committee of the Reichstag on Friday the German foreign secretary, Herr von Schoen made the following statement in reply to a national Liberal question:

The Belgian Government has informed us that after the passing of the colonial law by Parliament, and the granting of the royal assent to it, the sovereign power of the Kongo State was transferred to Belgium on November 15 last. We have taken note of this communication; the annexation of the Kongo State by Belgium has thereby become for us also an accomplished fact. Our attitude in the question of annexation, which is nearly as old as the Kongo State itself, has remained unchanged from the beginning, and has been one of reserve throughout. We have always considered it a domestic question for Belgium. The existing treaties—that with the International Kongo Association November 8, 1884, and the general acts of the Berlin conference—gave us no right to a voice in the matter. The first of these treaties deals expressly with the cession of the territory of the association (subsequently the Kongo State) to a third party, and prescribes that the obligations contracted toward the German Empire shall be transferred to the new holder. Our rights are safeguarded hereby as well as by the general principles of international law. We are thus enabled to negotiate with Belgium the questions which were still unsettled with

the Kongo State, more especially with regard to our frontier claims. The circumstance that Germany for the reasons just given, and on account of our friendly relations with our neighbor, Belgium has made no difficulties in the taking over of the Kongo, does not show that, as a signatory of the Berlin act, Germany approved of all that took place in the former Kongo State. We also had a great deal to find fault with in the conditions previously existing there, but we have always assumed, and we are still convinced, that under Belgian rule a cleansing process of the conditions which have so often been publicly denounced will ensue.

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No. 91.

*Minister Wilson to the Secretary of State.*

No. 462.]

AMERICAN LEGATION,  
*Brussels, February 19, 1909.*

SIR: In transmitting by this pouch the "Bulletin Officiel du Congo" <sup>a</sup> *Belge* 2e année, No. 4," I have the honor to call the attention of the department to that part of the publication which contains the regulations and stipulations governing the rental and sale of certain lands of the Belgian Kongo. This is of especial significance as indicating the inauguration of the government's policy relative to public land.

I have, etc.,

HENRY LANE WILSON.

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*Report of the colonial council on the projet of a decree relative to the sale and lease of lands in the Kongo.*

The projet of a decree submitted to the colonial council for its advice is intended to authorize a call of public proposals:

A. For the sale, and incidentally the lease, of a block of land measuring 33 hectares, situated in Bolombo, district of the Bengala.

B. For a thirty years' lease, with right of renewal, three blocks measuring, respectively, 100 hectares, 150 hectares, and 250 hectares in the banana region.

C. And of two blocks measuring 500 hectares each, situated in the Ponta da Lenha region.

In addition to these lands the administration, according to the statement of reasons, will simultaneously put up for auction six other lots, also situated in the district of the Bengala, measuring each 10 hectares at the most.

The fundamental idea which inspired this projet was briefly set forth by the minister of the colonies at the session of December 28, 1909:

"The Kongo administration," said he, "has often been reproached with seeking to reserve to itself a monopoly of real estate. The Belgian Government wishes to show at once that it is disposed to alienate the lands."

This declaration immediately secured for the principle of the decree the unanimous approval of the council, which thereafter confined itself to the examination of the following practical details:

NATIVE CLAIMS.

The attention of the council was drawn in the first instance to the question of whether, under the provisions of existing legislation, the colony had the right to dispose of the three blocks of land which it proposed to put up for sale or lease.

One of the members observed that the council did not possess proof of the fulfillment of the formalities prescribed by the instructions of September 8, 1906, relative to the determination and certification of the extent and nature of the claims of the natives to the domain lands put up at public auction.



In reply to this observation the minister of the colonies stated that he could not give assurances that the investigations had resulted in abstracts constituting perfect titles for deposit in the land office. But he added that the administration had had a summary investigation made to ascertain whether the lands covered by the decree had any claim of title existing on behalf of the natives, and that the result of this investigation showed that these claims were nonexistent.

The minister of the colonies stated that there were three kinds of land—those to which there are absolute titles, those to which the titles are not yet established, and those to which there is no claim of property nor any claim of title whatsoever. The lands put up for sale belong only to this last category.

In noting this declaration one of the members expressed the opinion that in the future it should be necessary to require that proof of the fulfillment of the measures taken to insure the certification and determination of native claims to the lands to be sold or leased should be furnished to the council in the manner prescribed by the governmental instructions of September 8, 1908. He added that he made a general reservation with regard to the triple classification referred to by the minister of the colonies.

#### CHOICE OF LANDS.

The land contained in blocks B and C was put up at auction, at the instance of a Brussels manufacturer, who desired to lay out a palm and cocoanut plantation.

No objection was raised to the selection of this land; hesitation was shown, however, with regard to the putting up at auction of block A in the Bangala region, which, according to the statement of reasons, "did not appear to be the object of any request for acquisition or lease on the part of anyone."

From the first declarations of the minister of the colonies it appeared that the offer of the land contained in this block had for object the immediate cultivation in the upper Kongo of certain tropical products in a limited area.

Several members expressed the opinion that the very limited area and situation of this block were not appropriate for agricultural cultivation, and that it was to be feared that the eventual failure of a first experiment of this nature might, with respect to small enterprises in general, cause discouragement which nothing would justify.

But, in the end, these first fears were greatly lessened by subsequent information furnished to the council.

In the session of January 30 the minister announced at first that his administration knew of certain amateurs who desired the block in question.

He added afterwards "that the putting up of the blocks at auction was not with the idea of procuring immediate fruitful cultivation, but of opening up a region for experiments in agriculture with a view to ultimate fruitful cultivation to be undertaken with lands of greater extent after the experiments had proved successful."

#### SPECIFICATIONS.

The council naturally started to examine, at the same time as the decree itself, the general and special conditions which govern the auctions.

Certain members thought that the clauses relative to the obligation to cultivate, as well as those relative to the choice of crops, placed too much power in the hands of the administration and were accompanied by too severe penalties.

This opinion was not concurred in by the majority of the members of the council, who considered that the clauses criticised fully answered the needs of colonial economy.

On the other hand the council, in accord with the minister, was unanimously of the opinion that it was necessary to redraft the clause relating to the tacit continuance of leases.

In connection with the preceding observations the minister of the colonies called attention to the fact that the drawing up of the specifications belonged to the executive power, and that consequently these papers would not be submitted directly to the council. He added, however, "that the specifications should certainly be considered with the proposals for the sale or lease of lands, as they might exercise an influence over the advice to be given by the council, and that consequently they may be made the subject of its comments."

This declaration was unanimously approved.

## QUESTIONS OF FORM AND PROCEDURE.

In conclusion, the attention of the council was directed to the following questions of form and procedure:

A.—*Interpretation of the colonial law.*

One member at first drew attention to a legal difficulty which may be briefly stated as follows:

The case might arise that a purchaser of the lands sold might have previously obtained transfers or concessions from the State.

But, under article 15 of the colonial law one person can not be awarded more than the maximum set by that article, unless the draft of the decree shall have been deposited during thirty session days on the desks of both Chambers. Would it not, therefore, be illegal to award land to such a person without subjecting the decree authorizing the award to the said formality of deposit?

The council unanimously voted negatively, holding that, in case of auction, the spirit of article 15 of the colonial law required the deposit only when the land offered measured more than the maxima prescribed by the aforesaid provision.

B.—*Form of awards.*

The question of the form of awards was also raised.

A member remarked that an award could not bear the requisite features of regularity and publicity unless the various concomitant formalities were carefully regulated, whereupon the minister of the colonies declared that the measures to be taken in this respect were in the province of the executive power, which would duly provide therefor.

This explanation was received with unanimous assent.

C.—*Demarcation.*

ARTICLE 1 of the draft of decree ends with the following provision:

"The land shall be delimited in common accord with the competent authorities in the Kongo."

A member inquired whether it would not be wise to provide for the intervention of the courts in case of persistent disagreement between the purchaser and the government surveyors, and the minister of colonies then declared that he considered such a clause to be unnecessary, as the courts' intervention in questions of ownership was a matter of right.

D.—*Date of the award.*

Lastly, in reply to an inquiry as to the definitive date of the award, the minister of colonies assured the council that every arrangement had been made to give actual publicity to the tender of proposals and to allow the public sufficient time for an inspection of the land before the award.

The council, after noting those various declarations, by a unanimous vote, except one not voting, gave the above referred to decree its approval at its session of January 30.

In accordance with section 3 of article 25 of the law relative to the government of the Belgian Kongo, the member who did not vote declared that he refrained from voting for personal motives.

H. SPEYER, *Reporter.*

O. LOUWERS, *Secretary.*

BRUSSELS, February 6, 1909.

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*Sale and lease of land in the Kongo.*

*Leopold II, King of the Belgians, to all, now and hereafter, greeting:*

In view of article 15 of the law of October 18, 1908, relative to the government of the Belgian Kongo—

In view of the opinion rendered by the colonial council in its session of January 30, 1909,

On the motion of our minister of colonies, we have decreed and hereby decree:

ARTICLE 1.

Our minister of colonies is authorized to call public proposals for the following tracts of land to be put to agricultural uses.

For sale and, incidentally, for lease:

One block of land measuring 33 hectares, situated in Bolombo, on the left bank of the Kongo, eight hours distant by canoe from New Antwerp.

For a thirty year lease with right of renewal:

(A) Three blocks of land measuring one hundred, one hundred and fifty and two hundred and fifty hectares, respectively, situated in the Banana region, at places marked 1, 2, and 3 in the hereto annexed sketch No. 1.

(B) Two blocks of land measuring five hundred hectares each, situated in the Boma district, Ponta da Lenha region, at places marked 1 and 2 in the hereto annexed sketch No. 2.

The land shall be delimited in common accord with the competent authorities in the Kongo.

ARTICLE 2.

Our minister of colonies is charged with the duty of making all regulations relative to the execution of this decree.

Given at Paris, February 8, 1909.

LEOPOLD.

By the King:

J. RENKIN,

*Minister of Colonies.*

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[Translation.]

ANNEX TO THE OFFICIAL BULLETIN OF THE BELGIAN KONGO.

[February 16, 1909.]

NOTIFICATION.

SALE AND LEASING OF DOMAINAL LANDS BY PUBLIC AWARD.

The Government will award publicly before the keeper of landed title deeds at Boma the 2d of July next and following days, if there be occasion, at 9 o'clock in the morning, the sale or the leasing of the lands indicated in the schedule of allotment, of which mention is made below.

The award will take place by auction, according to the clauses of the schedule of conditions and of general conditions of public sales and leasings (Annexes I and II), and according to the conditions peculiar to each sale or leasing indicated in the schedule of allotment. This schedule of allotment and the plans to which it refers may be consulted at the colonial office at Brussels, 10 rue Bréderode, at the seat of the local government at Boma, and in all the district capitals. Extracts of these plans with the special conditions can be procured there at the price of 2 francs per portion.

If other lands than those forming the object of the schedule of allotment be hereafter demanded from the Government, the site and the configuration of these lands must be determined in accord with the Kongo authorities, and this before the sale or the leasing can take place.

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ANNEX I.—*Schedule of conditions and general conditions of sales of lands by public award.*

I. The sale shall take place publicly at Boma before the keeper of landed title deeds. The highest bidder shall be declared the purchaser.

The bids shall be received from the buyers in person or from their mandatories, whose powers must be deposited at the seat of jurisdiction of landed title deeds at Boma at least eight days before the award.



II. The payment shall be made in the following manner:

One-tenth of the price shall be paid at the time of the award into the hands of the receiver of taxes, present at the sale, or of his deputy.

No lot can be awarded if the bidder is not prepared to satisfy this condition.

The balance of the price shall be paid at the time of the delivery of the certificate of registration, which shall take place at the latest three months after the sale.

III. If at that time the purchaser has not paid the balance of the price, the Government shall have the right either to sue for the execution of the sale and the payment of the price or to consider the sale void, as of right. In this case the Government shall give notice to the delinquent purchaser and the part of the price paid in at the time of the award shall be retained by it by way of damages.

There shall be no award upon unredeemed bidding.

IV. The lands shall have the boundaries set by the buyer and at his expense, according to the indications of the register of lands.

V. The sale does not include the parts of the public domain not capable of admitting private ownership, such as roads, as well as rivers, navigable or floatable streams and water courses and their banks for a width of 10 yards, starting from the line formed by the highest level which the waters attain in their periodic rise.

The slopes of mountains and of hills presenting an angle of 35° with the horizontal line and above shall not be cleared of woods without the authorization of the governor-general.

VI. All the debts and obligations with which the land may be encumbered to the profit of third persons, and notably of natives, shall be supported by the buyer. These debts and obligations shall not be the basis of any claim against the Government if they have been made known to the buyer before the sale.

VII. The Government does not take any responsibility with regard to the quality of the lands. The latter can not give cause for claim against the Government on the head of defect in the thing sold.

VIII. In the case when the award might have place for the benefit of persons of color these shall not be able to apply the portion thus acquired to the retail of alcohol. Any infringement of this interdiction shall give to the Government the right to obtain the annulling of the sale.

IX. If the establishment of a railroad, of a route of transports, or of a telegraphic line is decreed, the Government or the grantee shall have the right to avail it or himself of the necessary grounds by paying to the purchaser double the value of the purchase of the ground taken, principal and expenses, unless the purchaser prefers to cede it back to the Government or to cede to the grantee all the lot at the purchase price, principal and expenses, increased by the value of the plantations and of the buildings.

X. The present sale does not confer any right upon the underground products.

The mining status of properties sold remains subject to the application of the decrees of June 8, 1888; of March 20, 1893; and of July 22, 1904, as well as of all the regulations which might come ulteriorly to complete these decrees or to govern their execution.

XI. Special conditions may supersede the general conditions expressed in the preceding articles. If not expressly so superseded, in case of doubt conventions making the object of the award must be interpreted in favor of the maintenance of the general conditions.

XII. At the time of the award the purchaser must make choice of domicile at Boma, at Matadi, or at Leopoldville. All notifications, demands, prosecutions, etc., with regard to the execution of the award or of the sale shall be made at the domicile thus chosen.

#### ANNEX II.—*Schedule of conditions and general conditions of leasings of lands by public award.*

ARTICLE I. The leasing shall take place publicly at Boma before the keeper of landed title deeds. The highest bidder shall receive the award.

The bids shall be received from the takers in person or from their mandataries, whose powers must be deposited at the office of the keeper of title deeds at Boma eight days at least before the award.

ART. II. The first installment of rent shall be paid at the time of the award into the hands of the receiver of taxes present at the leasing, or of his deputy

No lot can be awarded if the purchaser is not prepared to satisfy this condition.

ART. III. The leasing does not include parts of the public domain not capable of admitting private ownership, such as roads, as well as rivers, navigable and floatable streams and water courses and their banks at a width of 10 yards, starting from the line formed by the highest level which the waters attain in their periodic rise.

ART. IV. The rights of the lessee are determined by common law, by the special usage in view of which the leasing is made, by the special conditions of the latter, and by the general conditions of the present schedule of conditions.

In any case the slopes of mountains and hills presenting an angle of 35° or more with the horizontal line shall not be deforested without the authorization of the governor-general.

ART. V. All charges and obligations with which the land may be burdened to the profit of third persons, and notably of natives, shall be borne by the lessee. These charges and obligations shall not give cause to any claim against the Government if the lessee has been made acquainted with them before the leasing.

ART. VI. The Government does not take any engagement as regards the quality of the lands. The latter shall not give cause to any recourse against the Government on the head of defect in the thing rented.

ART. VII. The present leasing does not confer any right over the underground products.

The mining status of properties rented remains under the application of the decrees of June 8, 1888; of March 20, 1893; and of July 22, 1904, as well as of all the regulations which may hereafter surpervene to complete these decrees or to govern their execution.

ART. VIII. In case the award should go to colored persons the latter shall not be permitted to use the plot so leased for the retail sale of alcohol. Any infringement of this prohibition shall give to the Government the right to obtain the annulment of the leasing.

ART. IX. Special conditions may supersede the general conditions expressed in the preceding articles. If not expressly thus superseded and in case of doubt, the conventions making the object of the award must be interpreted in favor of the maintenance of the general conditions.

ART. X. At the time of the award the purchaser must make choice of domicile at Boma, at Matadi, or at Leopoldville.

All notifications, demands, prosecutions, etc., with regard to the execution of conditions of the award or of the leasing shall be made at the domicile thus chosen.

## No. 92.

### AFRICA No. 2 (1909).

#### FURTHER CORRESPONDENCE RESPECTING THE TAXATION OF NATIVES AND OTHER QUESTIONS IN THE KONGO STATE.

In continuation of "Africa No. 5 (1908):" Cd. 4396.

[Presented to both houses of Parliament by command of His Majesty. June, 1909.]

*Memorandum from the Belgian minister, March 15, 1909.*

[Translation.]

In the memorandum which His Britannic Majesty's secretary of state for foreign affairs transmitted to the Count de Lalaing on the 4th November, 1908,<sup>a</sup> relative to the annexation of the Independent State of the Kongo by Belgium, the attention of the Belgian Government was called in the first place to a point upon which His Britannic Majesty's Government lay stress as one of the motives of their intervention in this question, viz, the proximity of the British possessions in Africa to the territory of the Independent State of

<sup>a</sup> See "Africa No. 5 (1908):" [Cd. 4396], p. 170.

the Kongo. In view of that proximity, His Britannic Majesty's Government appear anxious lest the manner in which the Independent State has been governed, and which in their eyes differs from that obtaining in neighboring countries, should injuriously affect the kindred tribes living in British territory. They desire, therefore, to receive precise information as to the views and intentions of the new administration.

With a view to allaying the anxieties of His Majesty's Government, the Belgian Government can not do better than remind them that, during the past twenty-five years, no frontier incident has occurred between the Independent State and British possessions which could be ascribed to the administration of the territories bordering on those possessions. The danger apprehended by His Majesty's Government has not arisen during the whole existence of the independent state there is no reason to suppose that it will now arise under Belgian administration.

In addition to their right to secure the peace of their own borders, His Majesty's Government in their memorandum recall the declarations exchanged with the international association of the Kongo on the 16th December, 1884, in order to justify their demand that the transfer of sovereignty shall be accompanied by the introduction into the Kongo of a system of government which will correspond more nearly with the intentions of the signatories of those declarations; it is expressly stated that the international association was created for the purpose of promoting the civilization and commerce of Africa, and for other humane and benevolent purposes.

Is it not now really superfluous to prove how little foundation there is for the fears of His Majesty's Government? Is it necessary to repeat again that in taking the place in Africa of the independent state, itself the outcome of the international association, Belgium has adopted all the declarations exchanged by the association with Great Britain, and that she will continue to carry out the civilizing and humane objects which the signatories of the 1884 arrangement had in view? Ample proof of this is forthcoming from the formal assurances given in the Belgian Parliament by members of the Government during the debates on the subject of the annexation of the Kongo State.

In statements made in public, as well as in former communications addressed to the British Government, the Belgian Government in the full exercise of their rights have confirmed their determination to insure the promotion of civilization in Africa while giving their attention at the same time to ameliorating the lot of the native population, and to safeguarding the interests bound up in the colony.

"Belgium," said the minister of the interior on the 2d July, 1908, in the Chamber, "will carry out without wavering and in a spirit of generosity her obligations under the Berlin act. She will be happy and proud to add this mission of civilization and this economic task to those other undertakings which for seventy-seven years past have gained for her the commendation of the powers. She will, however, act spontaneously, depending on her rights and determined to maintain her independence and her sovereignty."

These declarations were hopefully received by public opinion in Belgium; Parliament, on their side, clearly manifested a determination to uphold and support the cabinet in carrying out this great self-imposed undertaking. The value of obligations entered into by the Belgian Government with the nation at the time of the annexation can not be discussed or called in question. The British Government can surely be under no misapprehension as to this; their last memorandum, however, evinces some disappointment because no indication has, up to the present, been afforded as to the details of the changes which will be made, in order to improve existing conditions, nor as to the moment when such changes will be introduced.

To persist in putting forward such a request can scarcely be explained by a desire to be informed of the actual text of the amendments to be introduced into the laws and decrees in force at the present time, before such proposed amendments have been brought to the knowledge of the authorities in Belgium who will be called upon to consider them. How is it possible, in short, to ascribe to the British Government an intention to make the adoption of laws, which concern the colony and its internal administration, dependent upon a kind of preliminary approval of a foreign government?

On the other hand, scarcely four months have passed since the transfer of the Kongo administration to Belgium took place. The British Government, with their long colonial experience, will appreciate better than anybody else the



inadequacy of such a short period for drawing up in their final form weighty resolutions on colonial matters, which can only be put forward after careful preparation, and with a due regard for the necessary intermediate stages.

The Belgian Chamber, during the discussion of the first colonial budget, realized that such a work could not be hastily completed, and that a government, conscious of its responsibilities, could not permit existing arrangements to be changed without having some alternatives ready to put in their place; anxiety, which would be reflected throughout the entire colony, would otherwise be aroused.

The unanimity with which on every occasion since the annexation of the Kongo the Belgian cabinet, Parliament, and all organs of public opinion have expressed themselves on the colonial question, is a proof of the lofty conception which Belgium has formed of the mission conferred upon her in Africa, as well as of her fixed determination to develop her colonial enterprise in harmony with the interests of civilization and in conformity with her international obligations.

The Belgian Government will not fail to give effect to their intentions in the measures which, in the full enjoyment of their independence, they intend to draw up. The new administration have devoted their first efforts to the preparation of this work, and their activity has already been revealed in several practical measures.

The British memorandum goes on to examine three points which have already been dealt with in previous memoranda:

(a) The extension of the lands to be assigned to the natives for the purposes of trade and cultivation;

(b) The respect of the freedom of labor, as also of the right of the natives to dispose of the produce of the lands assigned to them;

(c) The question of arbitration as to the interpretation of the treaties which bind the Kongo State in matters of commerce.

As regards the first two points, the British Government take note with satisfaction of the intention expressed by the Belgian Government to give effect to the decree of the King-Sovereign of the 3d June, 1906, under which inquiries are to be instituted in the native villages with a view to determining the extent of land to be allotted to them. The British Government, however, do not consider such a measure adequate to help the natives in their traffic in the natural products of the soil, a point which, in their opinion, is essential.

They point out that the landmarks, which are said to be still in existence throughout the whole of the Kongo State, were formerly set up by the natives with the object of marking the area within which each tribe was at liberty to search for rubber, and they suggest that these landmarks might at once be utilized to determine the boundaries of the lands on which the natives would be free to trade in all natural products, and which they could cultivate for their own uses.

The Belgian Government are, it is true, aware that the presence of landmarks alluded to in the British memorandum has been noted in some few parts of the Kongo, but it is beyond question that the erection of such landmarks by the natives had no other object than to fix the political territorial limits of the tribes, and to put an end to the disputes which arose amongst natives owing allegiance to different chiefs.

In this way these landmarks may have provided useful indications when, in conformity with the decree of the 3d June, 1906, on the subject of native districts it was a question of fixing the extent of the territory over which the chiefs of the tribe should exercise authority; but their existence is of no interest from the point of view of a delimitation of native lands.

While not desirous of insisting further on the objections to a measure, the practical realization of which would be impossible, owing to the fact that the existence of such marks has only been established in a very limited area of Kongolese territory, the Belgian Government feel compelled to observe that as the political territory of each tribe is coterminous with the territory of the neighboring tribe, the adoption of such a measure would have the effect of converting into common native property the whole extent of the Belgian Kongo.

Such a solution would not only be opposed to every principle of law—it would be in opposition to the actual state of affairs existing throughout the whole of equatorial Africa, and confirmed, notably in the British possessions in the conventional basin, by legislation applied to populations of the same race and in the same state of civilization as those of the Belgian Kongo.

The British Government has been good enough to indicate the methods employed by British colonial administrations for dealing with similar questions in British possessions. The Belgian Government, on their part, desire to recall the fact that in the Uganda Protectorate the division of territory into native lands and vacant lands is carried out by methods of delimitation analogous to those laid down in the Kongolese decree of 1906. They desire further to point out that in British East Africa, far from recognizing as common property all the political territory of the tribes, the administration has not granted to the native any right to real property for the reason that the native possesses no notion what the right to property means. As indicated in the report of the land commission which conducted operations in this colony in 1904, the Government proclaimed themselves proprietors of all lands unprovided with a proprietary title, whether occupied or not. By the application of this principle the Government has been enabled to deal with certain tribes in the manner set forth in the memorandum.

The Belgian Government have held that the grant of lands to native communities should be governed by a consideration of existing circumstances, as well as of future requirements; that is to say, that in fixing the extent of lands granted to each tribe account should be taken of the number of individuals comprising the tribe, the methods of cultivation peculiar to primitive populations, and of the necessity of insuring as widely as possible the future development of the native communities. In carrying out the provisions of the decree of the 3d of June, 1906, the Belgian Government are acting in conformity with this principle, both in those parts which are being developed by private parties as well as in the national domain.

They are convinced that such principles applied in a manner identical with that adopted in other possessions in the conventional basin of the Kongo will provide a solution of the question of native lands in the Belgian Kongo more favorable to the interests of the natives than in the generality of colonies in equatorial Africa.

Other measures forming part of the system which is being studied by the colonial administration will result in the natives benefiting to a still greater extent from the development of the colony.

The latter portion of the British memorandum reverts to a request, already made by the cabinet of London to the Belgian Government, to be furnished with a formal assurance that the latter will not, if invited, refuse to submit to arbitration any divergence of views as to the meaning of articles of treaties which bind the Kongo State in regard to commercial questions. In view of the reasons advanced to justify a repetition of this request, the Belgian Government fear that they have not explained with sufficient clearness the conditions attached by them to their ultimate acceptance of this proposal.

The sympathy with which the Belgian Government regard a recourse to arbitration as a solution of international disputes is well known, but it appears to them impossible to admit that, amongst all the powers having possessions in the conventional basin of the Kongo, Belgium alone should enter into an engagement of such a general nature as to submit compulsorily to arbitration, whilst, for the other powers signatories of the Berlin act, arbitration, according to article 12 of that act, remains optional.

The Belgian Government find, however, no difficulty in repeating that if they were invited to refer in the last resort to The Hague tribunal a dispute arising from a divergence of views as to the interpretation of treaties binding the Kongo State they would examine any such proposal with the utmost good will, animated by the liberal views displayed in the preparation of the arbitration conventions concluded by Belgium, and reserving, as was explained in the memorandum of the 12th of July last, the sanction of Parliament as required by article 68 of the constitution.

In that event, however, they would be obliged to insure that the arbitration procedure should be in harmony with the application of article 84 of the convention drawn up at The Hague conference, of which they are one of the signatories. That article imposes on the parties to the dispute the obligation, when there is a question as to the interpretation of a treaty of which other powers are signatories, of informing in good time all powers who have signed such treaty. Each of these powers is entitled to intervene in the proceedings; if one or more avail themselves of the right, the interpretation given by the award is equally binding on them. Now, the Berlin act is a collective treaty. In order to avoid all the difficulties which might result from a different application of the clauses of this treaty in the various territories which go to make up the conventional basin of the Kongo, a result which, contrary to the spirit

of the Berlin act, would set up differential treatment to the disadvantage of one of these territories, it follows that recourse to arbitration could only take place if the other powers having possessions in the conventinal basin had consented beforehand to intervene in the proceedings or to accept for their possessions the interpretation given by the award.

The British memorandum makes no mention of this essential condition.

As regards the question of arbitration, the Belgian Government, on their side, must abide by their former reply, their attitude, and the reasons advanced in explanation of it, having been approved by Parliament at the time when the annexation of the Kongo was discussed. Even amongst speakers of the opposition the contention of the Government as regards the conditional acceptance of arbitration found many supporters, who would not understand any departure from it now.

The Belgian Government in their memorandum of the 12th July<sup>a</sup> said that, in their opinion, there was a better method than arbitration for solving questions and disputes in the conventional basin of the Kongo, and that was a direct understanding between the powers having possessions in this region. The Belgian Government adhere to their belief that such a procedure would, despite the difficulty foreseen by England of obtaining the adhesion of the different States interested, have the immense advantage of insuring the general observance of the clauses of the Berlin act and their uniform interpretation.

The British memorandum expresses in conclusion the desire that equal facilities should be given in all parts of the Kongo territory to Christian missionaries of all denominations and to their converts, for the prosecution of their work and the free exercise of their religion.

The putting up for sale of the domain lands was duly announced in the memorandum of the 12th July. The Belgian Government intend, however, to give facilities to religious missions for the acquisition of the land necessary for the prosecution of their missionary work, whilst not submitting such land to public adjudication, as provided by the present laws for the sale and lease of the domain lands.

Favorable consideration has therefore now been given to a series of demands formulated by Protestant missions. The decisions arrived at will be brought to the knowledge of those interested as soon as the necessary alterations entailed by them in the decree of the 3d June, 1906, have been made.

As regards the choice of sites thus granted, the colonial administration will endeavor to suit the convenience of the missions, reserving to themselves, of course, the right to decide in each case, according to the right of all governments, which lands can best be alienated so as to coincide with the general interests represented by the administration.

Whilst proclaiming by one of their first acts their desire to protect all religious undertakings without distinction of nationality or creed, the Belgian Government rely upon the missionaries of all Christian denominations considering it their duty to respect the laws and public authorities of the country, the hospitality of which they enjoy.

The Belgian Government are not insensible to the reference in the British memorandum to the traditional friendship which exists between the two nations. This friendship, to which they on their side attach as much importance as His Majesty's Government, encourages them to cherish the hope that the cabinet of London will understand that the explanations offered could not be more exact nor more detailed.

They also hope that it will be understood in England how painful it is for the Belgian people to see their intentions called in question, after the innumerable proofs which have been given of their love of civilization and after the great progress which they have made and which has won for them a position of such respect. The Belgians are resolved to develop and to advance the great work accomplished by the founder of the independent state, despite the slender means at his disposal. Neither in Africa nor in Europe will they fail in their duty, nor will they fall short of that which the civilized world expects of them.

To succeed in her colonial enterprise Belgium has need of an atmosphere of calm, of sympathy, and of confidence. At a time when she has assumed responsibilities, the gravity of which she fully realizes, she would welcome, as an especially valuable encouragement, an assurance that in the mind of the British Government her past history is a guarantee of her present loyal intentions.

BRUSSELS, March 12, 1909.

<sup>a</sup> See "Africa No. 4 (1903) ;" p. 152.



## No. 2.

*Sir Edward Grey to Count de Lalaing.*

FOREIGN OFFICE, June 11, 1909.

SIR: I have the honor to transmit to you herewith the reply of His Majesty's Government to the memorandum regarding the Kongo question which you were good enough to leave with me on the 15th March.

I have, etc.,

E. GREY.

[Inclosure in No. 2.]

*Aide-mémoire.*

His Majesty's Government have given their earnest consideration to the memorandum communicated to the secretary of state for foreign affairs by the Belgian minister on the 15th March, and especially to the observations there made on three of the principal points raised in their memorandum of the 4th November last. Those points were briefly (1) the extension of the territory reserved for the natives; (2) free labor and the right of the native to dispose of the produce of the soil; (3) arbitration.

With regard to the first point, His Majesty's Government feel bound to state that, in their opinion, the Belgian Government have been misinformed as to the nature and extent of the native boundary divisions; equally, they feel bound to state that they can admit no analogy between the method of assigning territory to the natives which has been adopted in the British protectorates and that adopted in the Kongo Free State.

Writer after writer of published works on this region has given copious evidence regarding the native boundaries, and His Majesty's present vice-consul in the Katanga district, who has traveled across the whole country, states that they are "known and recognized to within a foot's breadth by the natives themselves," a fact which "is abundantly clear to any one traveling through the country, and it is corroborated by older residents." In their memorandum of the 4th November His Majesty's Government referred, it is true, to landmarks erected at a comparatively recent date to prevent disputes as to the collection of rubber, but they did not thereby commit themselves to the opinion that this was the only evidence of the rights of the various tribes in particular districts. On the contrary, they are satisfied that the country is divided up to a much greater degree than the description in the Belgian note—"exceptionnellement en quelques endroits"—would imply; by perfectly well-defined boundaries indicating the extent of the tribal possessions. These boundaries sometimes follow natural features of the country and sometimes arbitrary lines, but they can always be ascertained.

His Majesty's Government do not suggest that in all cases these boundaries are still binding on the Belgian authorities. Tribes have in many cases shifted their quarters and emigrated to new districts, and the ravages of sickness and the results of the system of administration pursued by the authorities during the last twenty years have swept away altogether the population of some districts and greatly reduced that of others.

His Majesty's Government feel, however, that it would be undesirable to delay their recognition of the annexation of the Kongo by Belgium till an exact agreement has been reached on this question.

With regard to the second point, His Majesty's Government consider that the restriction or destruction of native rights has prevented those opportunities for trade in the produce of the soil which were expected to be available for British subjects under treaty, but they are much more concerned to see an end put to the system of forced labor and taxation in kind which accompanied the destruction of native rights. This question is one not of argument, but of fact. Under the previous government of the Kongo in large districts, if not in the greater part of the whole Kongo State, the forced labor exacted from men, and in many cases from women, amounted to nearly, if not quite, the whole time of an adult year after year. In the Kasai district, under the guise of trade, taxation in rubber was exacted in open defiance of the laws of the Kongo State. It was by such means that the greater part of the rubber exported from

the Kongo was obtained. The export of rubber has not fallen off, and no reports have reached His Majesty's Government to show that the amount of forced labor and illegal or excessive taxation exacted from the natives have diminished.

In the Leopoldville district, for instance, the taxation has quite recently been increased, in the case of men, from 9 to 12 francs, which amounts to 40 per cent of the earnings of a government laborer, and in the case of women from 6 to 12 francs, and this although the poverty of the country is very marked and the people have barely sufficient food for their own needs. The Belgian government officials discourage in every possible way payments in cash, and take the chikwangue which is offered as payment in kind at 6 centimes worth of trade goods for a kilogram, while 25 centimes is being paid in the native market.

Again, a letter of the 10th December last describes the visit of a Belgian official to the village of Mibenga, where, on the ground that the full tax had not been paid by the villagers, 26 men and boys, all of whom had paid their own share, were arrested, sent in chains carrying burdens a distance of twenty days' journey to a state station, and there kept in penal servitude for six weeks.

To this state of things, so amply described in the published reports of His Majesty's consuls, His Majesty's Government can not give recognition and they are sure that the Belgian Government desire to put an end to it, for it is, in fact, indistinguishable from slavery. They are anxious to recognize the Belgian Government of the Kongo, but they can not do so until it is clear that the abuses of taxation and forced labor, including the system carried out by the Kasai company, have ceased, and that the treatment of the natives in these respects has been assimilated to that which is found in other European colonies. Meanwhile British subjects are unable to enter the Kongo and to trade in the natural produce of the soil, and His Majesty's Government feel that they can not withhold their support should complaints reach them from British subjects who may be prevented from trading, owing to the fact that the natives are deprived of the rights to sell the natural produce of the soil.

Whether the application of the decree of the 3d June, 1906, will restore the freedom of trade, which His Majesty's Government believed to have been secured by the act of Berlin and the convention of 1884 between Great Britain and the Kongo, His Majesty's Government can not foresee. They have already had the honor to point out in the memorandum of the 4th November that a delimitation of the land to be assigned to a native village in accordance with the decree of 1906 will not by itself provide a sufficient remedy for existing conditions if it is based solely upon the extent of land required for purposes of cultivation, and takes no account of the extent of land to which the natives, unless they are to be deprived of all right to trade in the produce of the soil, are clearly entitled.

Any differences of opinion with regard to commercial rights under treaties His Majesty's Government would desire to refer to arbitration, but it is obvious that arbitration can not take place so long as one of the parties has not recognized the annexation of the Kongo State by Belgium.

His Majesty's Government anxiously await reports from the Kongo which will show that the Belgian Government have succeeded in stopping the system of forced labor which has hitherto prevailed, for His Majesty's Government are sure that the Belgian Government will agree that a system such as that described in British and American consular reports is indefensible.

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No. 93.

*Minister Wilson to the Secretary of State.*

No. 474.]

AMERICAN LEGATION,  
Brussels, March 17, 1909.

SIR: I have the honor to report that on Tuesday of this week, March 16, an interpellation was made in the Belgian chamber by Mr. Vandervelde and Mr. Royer, Socialist deputies, on the subject

of the decree authorizing the requisition of Kongo natives for works of "public utility," and especially for the construction of the Great Lakes Railway. This railway was a ninety-nine year concession granted in 1902, with the subsidy of 4,000,000 hectares, which are to be exploited for the joint account of the Government and the company, the Government guaranteeing 4 per cent income and a sinking fund. A decree of January 4, 1909, declared the Great Lakes Railway to be a work of "public utility," and a decree dated January 6 authorized the recruiting of 2,575 men in the current year, contracted for five years at a nominal wage of 21 centimes per diem.

Mr. Royer in his remarks reminded the chamber of the great profits realized by the Abir and Anversoise companies, due in a large measure to forced labor, and recalled the provision of the recently adopted colonial law prohibiting forced labor for the benefit of a private person. He asserted that the decree of January 6, 1909, violated the principle of this provision in authorizing the forced recruitment of natives for the Great Lakes Railway construction. He said that any kind of work might be described as a work of "public utility." In one of the first acts for which Belgium was responsible the abuses which had been committed in the past were repeated. It was a disgrace to civilization that the natives should be torn from their homes for a period of five years under threat of the chicotte. It was entirely possible to establish free labor in the Kongo, and the question was whether Belgium would allow herself to be disgraced in the face of the world for the profit of financial companies.

Mr. Renkin, minister for colonies, said that the decree of January 6 in no way violated the colonial charter. This work on the railways was urgent and of "public utility," and the natives as well as the mother country would benefit by it. He did not deny that the chicotte had been employed or that the natives had been chained, but he affirmed that conditions had been greatly improved and that it was the aim of the Government to eventually establish free labor.

Mr. Vandervelde said that the reply of the minister was not satisfactory. The argument of "public utility" was not tenable, and there was no valid reason why the system of free labor should not be at once introduced. The position of the minister was at variance with the views of all independent students of colonial affairs and was in eloquent contrast with the system in force in the majority of African colonies, notably in the British and French West African colonies. In these colonies the illegitimate use of forced labor did not exist. He bore witness to what he himself had seen during his recent tour in the Kongo and described in eloquent words the lot of the native driven to work in the Uellé and in the district of the Great Lakes, thirty days' journey from their homes.

The debate will be continued on next Tuesday, and details will be furnished.

I have, etc.,

HENRY LANE WILSON.



No. 94.

*Minister Wilson to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
*Brussels, March 29, 1909.*

Gathering rubber in the Abir and the Anversoise districts is suspended for a year. I am informed unofficially that the Belgian colonial office is studying a plan for the establishment of commercial freedom throughout all Belgian Kongo.

WILSON.

No. 95.

*Minister Wilson to the Secretary of State.*

No. 479.]

AMERICAN LEGATION,  
*Brussels, April 2, 1909.*

SIR: Referring to my No. 474, of March 17, I have the honor to report the continuance, on March 31, of the debate in the Belgian chamber on the interpellation of the ministry relative to its attitude toward the forced-labor question in the Kongo.

Mr. Vandervelde declared that the decree of January 6, referred to in my No. 474, produced a more serious situation than hitherto existed in the Kongo. He maintained that the forced employment of natives on the Great Lakes Railroad was in contravention of the recently adopted colonial law and not accordant with the civilizing rôle which Belgium assumed before the world when she annexed the Kongo. The promises of the Government had not been fulfilled; the unspeakable barbarities of the chicotte, together with chains and slavery, had been banished from the French and British colonies, and Parliament ought to remove the stain from Belgium's honor. "Forced labor is a crime against human dignity, and the decree in question is unlawful."

Mr. Tibbaut, a clerical member who has visited the Kongo, expressed the hope that the ministry would make full and satisfactory explanations.

Mr. Renkin, minister for colonies, said that the important question at this time, both for the good of Belgium and for the natives, was to hasten the construction of the railroad, to the end that all parts of the Kongo might be brought into more intimate connection and the country more rapidly developed and civilized. Forced labor, he said, was not confined to the Great Lakes Company, but was found to exist in all colonies and was in active operation on the railways of Lagos, Uganda, and Sierra Leone. The administration of the Kongo was admittedly not ideal, but the Government was dealing with a difficult situation and the conditions prevailing were the best that could be secured at present. Forced labor would eventually be abolished, but certain forms of slavery, which had always been implanted in the soil could not be abruptly abolished until the Gov-

ernment had an opportunity, through the instrumentalities of civilization, to substitute a new régime.

Mr. Hymans, Liberal, maintained that forced labor must disappear, but expressed confidence in the minister for colonies.

Mr. Vandervelde emphasized the necessity for repealing the decree and said that the information on which the minister based his statements emanated from the colonial office, which was simply another name for the old "press bureau" of the Kongo.

On the day following, April 1, the chamber voted on the various resolutions submitted in the course of the interpellations. The first resolution, introduced by Mr. Vandervelde, was as follows:

Chamber considers that forced work to the profit of anyone or any form is a crime against human dignity; it considers, moreover, that the impressment of natives under the decree of January 6, 1909, on works intended to benefit the shareholders in the Great Lakes Railway Company constitutes a violation of article 2 of the law relative to the government of the Kongo.

This resolution was defeated by 72 votes against 35. The second resolution, introduced by Mr. Hymans, was as follows:

Chamber considers that it is necessary to substitute free recruitment in the shortest time possible for the forced recruitment decreed for reasons of public utility in the construction of the Great Lakes Railway, and it is convinced that it is possible to materially ameliorate the condition of the laborers engaged on this work, tending especially to reduce the length of service, to limit the zone of recruitments and of the proportion of natives taken from each locality, to pay these laborers a remuneration equal to that of free laborers in the same region, and to pay this remuneration in specie.

This resolution was unanimously adopted by the Chamber.

I have, etc.,

HENRY LANE WILSON.

No. 96.

*Minister Wilson to the Secretary of State.*

No. 489.]

AMERICAN LEGATION,  
*Brussels, April 22, 1909.*

SIR: I have the honor to inform the department that Mr. Renkin, Belgian minister for colonies, will sail on this date for the Kongo for the purpose of making a thorough study of the conditions existing there and of informing himself through personal inspection of the character and extent of alleged existing abuses, the most practical methods for carrying into effect the Government's proposed reforms, and of gathering the general information essential to the formulation of the Belgian Government's policy in the Kongo.

From the reputation which Mr. Renkin enjoys, of being a man of high ideals and humane views, I anticipate the best results to eventuate from this expedition, which is undertaken with the approval and sympathy of the parliamentary majority and the cabinet.

Mr. Renkin will arrive at Boma about the 10th of May, and it is expected that his investigations will keep him in the Kongo until the month of October next.

I have, etc.,

HENRY LANE WILSON.

No. 97.

*Minister Wilson to the Secretary of State.*

No. 498.]

AMERICAN LEGATION,  
*Brussels, May 4, 1909.*

SIR: I have the honor to inform the department that immediately upon the return from the Kongo of Mr. Renkin, the Belgian minister for colonies, a census of the black population of the Belgian Kongo will be taken.

The lowest estimate of the native population fixes it at 15,000,000 and the highest at 30,000,000. This difference is so considerable as to render difficult the formulation of some features of the policy which the new government is preparing to pursue, and it desires to gather more accurate data.

Under the new régime the native population of the Kongo is expected to rapidly increase, as the causes which contributed to its decimation are expected to be rapidly modified and eventually removed.

I have, etc.,

HENRY LANE WILSON.

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No. 98.

*Minister Wilson to the Secretary of State.*

No. 503.]

AMERICAN LEGATION,  
*Brussels, May 27, 1909.*

SIR: I have the honor to transmit herewith a translation of an excerpt from the Belgian Parliamentary Annals reporting a question addressed by Mr. Vandervelde (Socialist member) to the minister for colonies and the reply of the minister ad interim for said department.

The information herewith transmitted is of value in that it furnishes additional evidence of the reforming tendencies of the new administration of the Kongo.

I have, etc.,

HENRY LANE WILSON.

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[Inclosure—Translation.]

*Translation of excerpt of Belgian Parliamentary Annals.*

QUESTION BY MR. VANDERVELDE (SOCIALIST).

The minister of colonies has declared that the acceptance of rubber in payment of taxes was suspended in the Abir and the Mongala.

Is it true that contrary to this declaration the Government has issued instructions to its agents to demand only the payment of half the taxes in rubber within these two regions, which would indicate the maintenance in some measure of forced labor in the rubber industry of the Abir and the Mongala?

REPLY BY THE MINISTER OF FINANCE AND THE MINISTER FOR COLONIES AD INTERIM.

The press has announced that an order of the minister for colonies has suspended the gathering of rubber in the Mongala and the Abir. Presented in



this way, the news was not exact, as will appear from the text of the following communication, which the minister for colonies made to the commission charged with the examination of the budget in the beginning of April:

"The Government asked the governor-general to take prompt measures to modify the tax rolls in force in the districts of Mongala and Maringa Lopori. These modifications were aimed to reduce the rubber labor tax due from the natives of those regions. By the last mail the Government was advised that the governor-general had taken the necessary measures."

These measures are embraced in an ordinance dated February 27, 1909. It stipulates that the natives of Mongala and Maringa Lopori may not, during the year 1909, pay their taxes in labor connected with the gathering of rubber "except by an amount of products representing a number of hours of labor equivalent to the half of the tax in currency."

The ordinance adds that the labor in connection with the gathering of rubber shall be performed only during the six first months of the year 1909. From this it appears that the harvesting of rubber will be suspended after the 1st of July, 1909.

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No. 99.

*Memorandum handed to the Secretary of State, June 26, 1909.*

[Translation.]

BRUSSELS, *June 12, 1909.*

The Secretary of State of the United States addressed to the King's minister at Washington, on January 11 last, a note in which, on the occasion of the annexation of the Independent State by Belgium he reverts to the desiderata contained in the American memoranda of April 7 and 16, 1908.

The note transmitted by Baron Moncheur particularly expresses the Washington Cabinet's desire to receive the renewed assurance that Belgium will discharge the obligations assumed by the Independent State of the Kongo in the Brussels convention of July 2, 1890. It immediately adds that this assurance is, moreover, in perfect accord with the views of the Belgian Government, the expressions already made by it in regard to its own purpose as a power signatory to the Brussels convention leaving no doubt in that respect. The very conclusion drawn by the American Government from the previous clear and formal declarations of the Belgian Cabinet as to the fulfillment of the duties placed upon it by the aforesaid convention, seems to make a repetition of those assurances unnecessary. Furthermore, the King's Government would not understand how they could be questioned.

Turning to the colonization system of the Kongo, the American note criticises the rules governing the granting of concessions. It expresses the opinion that the granting of concessions to various private corporations and the inclusion of a part of the remaining territory into the domain of the State had the practical effect of excluding the greater part of the Kongo territory from the possibility of purchase and of hampering the execution of the provisions of the declaration of 1884 of the treaty of January 24, 1891, between the United States and the Kongo State and of the Brussels convention of July 2, 1890.

In reply to this assertion the King's Government confines itself to saying that it is about to offer for sale or lease, on July 2 next, a

certain number of state land tracts in the Kongo, intended for agricultural establishments or for Belgian and foreign commercial houses. These tenders, announced as early as February 16 last in the official bulletin of the colony, afford adequate evidence that there will be no scarcity of land for foreigners to purchase in the Kongo. This likewise applies to missionaries. Applications for land filed by six Protestant associations, viz, the Westcott brothers, the Kongo Babolo Mission, the Baptist Missionary Society, the Swedish Missionary Society, the American Baptist Missionary Union, and the Christian Foreign Missionary Society, have been admitted by the minister of colonies.

Moreover, the Belgian Government formally disputes the allegation that the existing land grants preclude its selling vacant lands within the granted regions to third parties. The right of the Government to sell within said regions tracts of land for the use of colonists, traders, or missionaries was asserted by the chief of the cabinet at the session of the Chamber of Representatives of July 2 last, the Government being at liberty to exercise that right as it sees fit.

The Washington cabinet next sets forth its personal ideas concerning the property rights of the Kongo people. "In a country," says the American note, "where there has been no ownership of land in severalty by the natives, but only communal ownership of rights over extensive tracts, to allot to the Government and its concessionnaires ownership in severalty to all the lands not already owned and held in severalty by the natives is in effect to deprive them of their rights to the soil."

The question of native ownership is not so simple as it appears to the American Government. It seems to confound the political territory of the tribes, that region over which their chiefs exercised their authority, with the land which is really owned by the members of the tribe jointly.

If it were claimed that the whole area of their political territory formed the communal property of the tribes, the whole of the Belgian Kongo would be turned into native property, since the political territory of each tribe adjoins that of its neighbor, and the colonial government would be denied the right to dispose of vacant lands, no matter how small in area. Such a claim would run counter to all legal principles, as well as to the actual conditions existing in equatorial Africa.

A few lines further on the American note ascribes the basis of the former independent state and the foundation for the authority it exercised to the treaties made by the International African Association with the natives. Those very treaties recognize the association's right to dispose of unoccupied land.

But it is necessary to revert to the above-quoted passage and note the sentence which reflects the opinion of the Government of the United States respecting the ownership rights of the natives. "To allot to the Government and its concessionnaires ownership in severalty to all the lands not already owned and held in severalty by the natives is in effect to deprive them of their rights to the soil." In expressing this sentiment the American note takes no account whatever of the constituent legislation governing the land system of the Kongo.

This legislation, antecedent to annexation, lays down certain principles by virtue of which the natives' rights to the soil are respected. One of those principles, as formulated in the ordinance of July 1, 1885, is that "no one has the right to dispossess natives of the lands occupied by them." Another principle established by the decree of September 14, 1886, is that lands occupied by natives under the authority of their chiefs continue under the local customs and usage.

The effect of these principles, which have not been modified by the subsequent legislation of the State of Kongo, is to secure the natives in the enjoyment of the lands they occupy, whatever be the form of such occupancy, whether in severalty or in common.

Under their ruling did the independent state make over or grant certain areas of its domain. As a result the transfers or concessions did not and could not affect any but vacant lands, the only ones of which the state could dispose, and the third parties, purchasers of concessionaires, were, like the state itself, bound to respect the rights, both joint and several, of the natives to the soil. Any encroachment on those rights would be considered as void by the Belgian Government, because effected in violation of the principles sanctioned by legislation prior to such concessions or transfers.

The American note further says that the Government of the United States was glad to know that since the American memoranda of April 7 and 16, 1908, the Government of Belgium had expressed its purpose to extend the area of the lands to be reserved to the natives for their cultivation and traffic pursuant to the royal decree of June 3, 1906.

The decree, in fact, does not set any limit to the area of lands that the executive power may assign to native communities outside of those over which they exercise effective rights of occupation. This is what enabled the Belgian Government to carry it out in the most liberal spirit.

It held that the assignment of lands to native communities should be guided by both the actual circumstances of the present and the requirements of the future—that is to say, that in determining the area of land to be allotted to each tribe, the number of constituent members, the processes of cultivation suited to a primitive people, and the necessity of insuring to the utmost the future development of native communities should all be taken into consideration. Under the guidance of this rule the King's Government is now carrying out the decree of June 3, 1906, in the regions under private exploitation as well as in the national domain.

It has had occasion to satisfy itself that these principles, applied in accordance with a method identical with that adopted in the other European possessions in the conventional basin of the Kongo, will bring about a solution of the question of native lands in the Belgium Kongo more favorable to the interests of the natives than in the generality of colonies in equatorial Africa.

But the King's Government proposes to reserve to itself the absolute exercise of the right to determine, in accordance with these principles, the area of native lands as has been done by its neighbors in Africa, England, France, and Germany, and as has been done by all the sovereign states in other parts of the world where the aborigines of races different from the black likewise held certain rights to the soil on which they dwelt.



Six months have elapsed since the transfer of the possessions of the independent state to Belgium became an accomplished fact. The American Government, which has also had heavy colonial tasks to perform, especially since receiving the Philippines from the hands of Spain, will doubtless find that such a period of time is insufficient to put into final shape decisions that can only be reached after long preparation and meditation.

The Parliament at Brussels, with which the King's Government on assuming charge of the colony made the most formal engagements, showed itself firmly resolved to encourage and aid it; but, on the other hand, it fully realized at the time when the first colonial budget was under consideration that an undertaking of such magnitude as that assumed by Belgium could not be accomplished offhand and that its realization would involve transitions requiring cautious treatment. It is indeed impossible for a government, conscious of its duties and responsibilities, to consent to the alteration of established conditions without being in position to replace them with new conditions, as it would thus take the risk of causing serious perturbations from which the whole colony would suffer. Any precipitate or ill-digested measure could but compromise the success of the mission of civilization inherited in Africa by the people of Belgium.

Complete harmony prevails between the cabinet and Parliament, both being upheld by every organ of public opinion in the aim to develop colonization in the Kongo in accordance with the interests of civilization and with international obligations. The Government of the King will evidence its intentions by acts which it shall perform in its untrammelled independence. The new administration has resolutely applied itself to the task and its activity has already been manifested in practical measures. For instance, the minister of colonies unhesitatingly concurred in a resolution adopted by a unanimous vote of the Chamber of Representatives which declares that it is expedient to substitute in the nearest possible future the free enlistment of laborers for their impressment on the score of public utility in the construction of the Great Lakes Railway, and that the chamber is convinced of the necessity of bringing about, without delay, tangible ameliorations in the condition of the laborers on the force, looking notably to a reduction in the term of service, a limitation of the zone of enlistment, and of the local quota of the force, a guaranty to the men so enlisted of compensation equal to that of free labor in the region, and the payment of such compensation in money.

In the last part of its note the American Government expresses a wish to know whether the King's Government, by the statement that Belgium is prepared to fulfill all the engagements made with the United States by the declarations of April 22, 1884, intended to confine the rights of the United States to the declarations of the International Association which preceded the sovereign Kongo State or equally recognizes the conventional rights conferred upon them by the treaty concluded with the independent state in 1891.

It has never been intended by the King's Government, since the cession of the Kongo to Belgium, to deny to the United States the benefit of the contractual arrangements which it had secured by the international acts of 1884 and 1891. The King's Government has already once declared in the pro memoria note of January 29, 1908,

and it has since repeated in its subsequent communications to the American Government, that it did not lose sight of the international obligations of the Kongo State.

However, as stated by the minister for foreign affairs at the session of the Chamber of Representatives of April 15, 1908, all the obligations assumed by the Independent State can not survive the annexation. This is invariably the case after the cession of one State to another. The principles and practice of international law leave no room for doubt on this point, as Secretary of State Sherman so clearly stated in his letter to the minister of Japan after the annexation of the Hawaiian Islands. As regards the provisions of the convention of January 24, 1891, new arrangements, which the Brussels cabinet stands ready to negotiate with the American Government, are imperative, notably concerning the recourse to arbitration regulated by a special article. Since the convention was signed arbitration has been made the subject of new international engagements on the part of both Belgium and the United States. The memorandum of July 12, 1908, took that standpoint in considering the conditions under which Belgium would eventually accept the resort to arbitration.

Indeed, the Belgian Government had given its attention to averting the difficulties which might, after resorting to arbitration, flow from divergent interpretations, in the several territories which constitute the conventional basin of the Kongo, of the general principles laid down in the Berlin act and reproduced in certain conventions concluded by the Independent State, whereby a differential treatment, antagonistic to the said acts, would be created to the detriment of one of the territories.

For that reason it said to the American Government in its memorandum of July 12 "that it should be understood that recourse to arbitration would not be had unless the other powers holding possessions in the Kongo basin agreed to become parties to the case or to accept the interpretation given by the award of the arbitrator." It is still of opinion that such an adhesion of the powers concerned is highly desirable, that it is absolutely necessary, and that it should precede the resort to arbitral proceedings.

It is self-evident that a proposal of arbitration could only relate to acts of the new colonial arbitration in order to be accepted by the Belgian Government. The interpretation given by that Government in commercial matters to the conventions concluded with the United States could alone afford occasion, after the failure of ordinary diplomatic means, for recourse to that mode of procedure with the previous authority of the legislative bodies and all the usual reservations inserted in all the treaties relative to arbitration.

The Cabinet of Washington appears to believe that instead of resorting to arbitration the Government of the King would reserve to itself the right to arrive at a direct understanding among all the powers holding territory in the conventional basin of the Kongo with a view to a settlement of all points in dispute. The Brussels cabinet merely said in its memorandum of July 12 that there is, in its opinion, a better means than arbitration to solve contentious questions which might arise in that part of Africa, namely, a direct understanding of the powers possessing colonies therein. This course would offer the immense advantage of insuring the general observation and a uni-

form interpretation of the clauses of the act of Berlin. But the King's Government confines itself to suggesting and commending this course; it does not assume to impose it.

The convention of January 24, 1891, secures to American citizens the right to erect religious edifices, to organize and to maintain missions in the Kongo, and they have largely availed themselves of that right. The Belgian Government has afforded to religious missions facilities for the purchase of land required for the development of the work of evangelization, by refraining from subjecting them to the public auction prescribed by the present law in cases of sale or lease of domanial land. But while it thus displays toward them the most confiding disposition, it expects that, for their part, the missionaries of all creeds will hold it their paramount duty to observe the laws and respect the public authorities of the country whose hospitality they enjoy. It would be highly gratified to receive the assurance of the friendly cooperation of the Government of the United States toward inducing the American citizens residing in the missions of the Kongo fully to meet this expectation.





# INDEX.

## A.

|  | Page.    |
|--|----------|
| "Africa No. 3 (1908) :"  |          |
| Correspondence respecting taxation of natives and other questions in Kongo State, submitted to British Parliament.....         | 113      |
| "Africa No. 4 (1908) :"  |          |
| Further correspondence respecting taxation of natives and other questions in Kongo State, submitted to British Parliament..... | 149      |
| "Africa No. 5 (1908) :"  |          |
| Further correspondence respecting taxation of natives and other questions in Kongo State, submitted to British Parliament..... | 170      |
| "Africa No. 2 (1909) :"  |          |
| Further correspondence respecting taxation of natives and other questions in Kongo State, submitted to British Parliament..... | 191      |
| Amelioration of natives of Kongo:  |          |
| Insisted upon by United States under Brussels treaty of 1890.....  | 16       |
| Annexation of Kongo to Belgium:  |          |
| Debate in Belgian Parliament.....  | 11       |
| Preliminary negotiations.....  | 25       |
| Plenipotentiaries appointed.....   | 26       |
| Colonial law (1907) proposed to Belgian Parliament for.....  | 26       |
| Regarded unsatisfactory to United States, views of Great Britain asked for.....  | 29       |
| Concurrence of Great Britain, unofficially.....  | 30       |
| Declaration of policy of Belgian Government in.....  | 53       |
| Criticisms of Belgian press on interference of Great Britain in.....   | 67       |
| Treaty rights, etc., claimed by Great Britain.....   | 84       |
| Claimed by United States.....  | 88       |
| Colonial law (1908) proposed in Belgian Parliament for.....  | 91       |
| Abolition of forced labor and arbitration of commercial differences proposed by Great Britain.....                             | 99       |
| Support of American minister directed.....   | 101      |
| Memorandum submitted on.....   | 106      |
| Reply of Belgian Government.....   | 156      |
| Debate in Belgian Parliament reported by Minister Wilson.....  | 108, 110 |
| Declaration of purpose of Belgium in, communicated by Belgian minister at Washington.....                                      | 111      |
| Law passed for government of colony.....   | 162      |
| Treaty of, résumé of effects, submitted by Baron Moncheur.....   | 169      |
| Creation of department of colonies.....  | 170      |
| Royal decree announcing.....   | 177      |
| Colonial council organized.....  | 181      |
| Budget proposed in Belgian Parliament for administration expenses....  | 181      |
| German attitude on.....  | 185      |
| Land sales and leases, policy of Belgian Government respecting.....  | 186      |
| Investigation of conditions undertaken by colonial minister.....   | 200      |
| Census to be taken, estimate of native population.....   | 201      |

## B.

|  |    |
|--|----|
| Belgium, annexation of Kongo to. ( <i>See</i> Annexation of Kongo to Belgium.) |    |
| Brussels treaty of 1890:   |    |
| Amelioration of natives of Kongo insisted upon by United States under.....     | 16 |
| Violation by Kongo authorities, protest of United States against.....          | 54 |
| Denial by Belgian Government.....  | 55 |

|  |          |
|--|----------|
| Bryce, James, ambassador from Great Britain:   | Page.    |
| Cooperation of United States in reforms in Kongo appreciated by Great Britain, announced by-----   | 82       |
| Annexation of Kongo, abolition of forced labor, and arbitration of commercial differences requested by Great Britain; support of United States requested in----- | 99       |
| American minister instructed to join in-----   | 101      |
| C.   |          |
| Carter, John Ridgely, chargé, American embassy at London:  |          |
| Instructed to communicate to British Government interest of United States in reforms in Kongo-----   | 9        |
| Cooperation by Great Britain reported by-----  | 9        |
| Reforms in Kongo, telegraphs that British minister at Brussels has been instructed to cooperate with Minister Wilson-----  | 54       |
| Annexation of Kongo, instructions to British minister in Belgium forwarded-----  | 84       |
| Census of Kongo:   |          |
| To be taken: estimate of native population-----  | 201      |
| Commercial policy of Kongo Free State:   |          |
| Land legislation in relation to, report on-----  | 101      |
| Conditions in Kongo, 1907:   |          |
| Report of Consul-General Smith-----  | 30       |
| Report by Vice-Consul-General Memminger-----   | 41       |
| Currency in Kongo:   |          |
| Insufficiency of, complained of by British Government to Belgian authorities-----  | 117      |
| D.   |          |
| Diplomatic representatives to Kongo:   |          |
| Inquiry as to-----   | 23       |
| None accredited-----   | 23       |
| F.   |          |
| France:  |          |
| Boundary agreement with Kongo authorities-----   | 82       |
| G.   |          |
| Germany:   |          |
| Attitude on annexation of Kongo to Belgium-----  | 185      |
| Great Britain:   |          |
| Reforms in Kongo, interest of United States in, communicated to-----   | 9        |
| Cooperation by, assured-----   | 9        |
| Announcement in Parliament of cooperation with United States-----  | 11       |
| Grey, Sir Edward, British minister for foreign affairs:  |          |
| Interview with Belgian minister concerning Kongo communicated to British minister at Brussels by-----  | 113      |
| Instruction based on-----  | 114      |
| Memorandum on taxation and currency accompanying-----  | 117      |
| Reply of Belgian minister-----   | 146      |
| Interview with Belgian minister concerning Kongo communicated to British minister at Brussels by-----  | 149      |
| Memorandum of reply to answer of Belgian Government-----   | 150      |
| Incloses copy of instructions received by Belgian minister from his Government-----  | 152      |
| Memorandum of Belgian reply to answer of British Government-----   | 153, 160 |
| Memorandum of position of British Government, answer to reply of Belgian minister-----   | 170      |
| Received from Belgian minister in reply to above-----  | 191      |
| Answer of British Government-----  | 196      |
| Great Lakes Railway:   |          |
| Requisition for Kongo laborers in constructing, discussed in Belgian Parliament-----   | 197, 199 |



## II.

|  |       |
|--|-------|
| Handley, William W., consul-general at Boma:   | Page. |
| Atrocities in Kasai district, summary of report of British consul on, submitted by ----- | 178   |

## K.

|   |        |
|---|--------|
| Kasai district, Kongo:  |        |
| Atrocities committed by concessionary company in, reported by British Consul Thesiger ----- | 178    |
| Kongo Free State:   |        |
| Consul-General Slocum reports, to be a mere commercial undertaking.....                     | 7      |
| Debate in Belgian Parliament on annexation of.....  | 11     |
| Conditions in 1907, report of American consular officers.....                               | 30, 41 |
| Treaty of annexation submitted to Belgian Parliament.....                                   | 43     |
| Withdrawn -----   | 57     |
| New treaty and accompanying legislation submitted.....                                      | 72     |

## L.

|  |          |
|--|----------|
| Labor in Kongo:  |          |
| Requisition for construction of Great Lakes Railway, discussed in Belgian Parliament ----- | 197, 199 |
| Land legislation of Kongo:   |          |
| Report on, in relation to commercial policy.....   | 101      |
| Lands in Kongo:  |          |
| Policy of colonial council for sales and leases of.....                                    | 186      |
| "Lodge Resolution:"  |          |
| Possible effect of, on Belgian Parliament.....   | 22       |
| Text of -----  | 23       |

## M.

|   |     |
|---|-----|
| Memminger, Lucien, American vice-consul-general at Boma:  |     |
| Conditions in Kongo, 1907, report by.....   | 41  |
| Missionary rights in Kongo, American:   |     |
| Correspondence with Kongo authorities insisting upon.....   | 88  |
| Moncheur, Baron, Belgian minister to United States:   |     |
| Annexation of Kongo, declaration of purpose of Belgium in.....  | 111 |
| Submits reply of Belgian Government to American memorandum relating to compulsory labor, and arbitration of commercial differences..... | 156 |
| Kongo annexation, pamphlet containing text and résumé of, submitted by.....   | 169 |
| Annexation, official papers transmitted relating to.....  | 176 |
| Acknowledged, and informed of attitude of United States on rights of natives and American commercial, etc., rights.....                 | 182 |
| Reply to American memorandum -----  | 202 |

## P.

|  |     |
|--|-----|
| Population of Kongo:                                 |     |
| Census to be taken; number of natives estimated..... | 201 |

## R.

|  |        |
|--|--------|
| Reforms in Kongo:  |        |
| Interest of United States in, communicated to Great Britain.....   | 9      |
| Cooperation of Great Britain assured.....  | 9      |
| Cooperation of United States with Great Britain announced in Parliament by Sir Edward Grey.....              | 11     |
| Attitude of United States as to slavery telegraphed to Minister Wilson.....                                  | 16     |
| Communicated to the King.....  | 16     |
| Memorandum from Kongo Government in reply.....   | 18     |
| Reports of American consular officers on conditions in 1907.....   | 30, 41 |
| Concerted action by Great Britain and United States suggested by British Government.....                     | 42     |
| Annexation treaty of 1907; submitted.....  | 43     |
| Withdrawn from Belgian Parliament.....   | 57     |
| New treaty and accompanying legislation submitted.....   | 72     |
| Attitude of United States requires amelioration of condition of natives, minister to Belgium instructed..... | 46     |

|   | Page. |
|---|-------|
| Reforms in Kongo—Continued.   |       |
| Slavery in existence, report of Consul-General Smith  | 47    |
| Violation of Brussels treaty, cooperation of Great Britain asked to demand cessation  | 51    |
| Cooperation assured   | 54    |
| Protest against, made to Belgium  | 54    |
| Denial by Belgian Government  | 55    |
| Discussion in British Parliament  | 58    |
| Treaty of annexation, law proposed to carry into effect, new  | 72    |
| Satisfactory character of   | 77    |
| Cooperation of United States appreciated by Great Britain   | 82    |
| French boundary agreed to   | 82    |
| Instructions sent to British minister in Belgium as to treaty rights  | 84    |
| Colonial law proposed in Belgian Parliament for annexation of   | 91    |
| Memorandum of requirements for, insisted upon by United States  | 97    |
| Answer from Belgian Government  | 111   |
| Abolition of forced labor, and arbitration of commercial differences to be requested by British Government                    | 99    |
| Support by American minister directed   | 101   |
| Memorandum submitted on   | 106   |
| Reply of Belgian Government   | 156   |
| Land legislation in relation to Kongo commercial policy, report on  | 101   |
| Rubber gathering suspended for one year   | 199   |
| Measures taken by colonial authorities stated in Belgian Parliament   | 201   |
| Reid, Whitelaw, American ambassador at London:  |       |
| Colonial law for annexation of Kongo deemed unsatisfactory, directed to learn views of Great Britain                          | 29    |
| Concurred in, unofficially  | 30    |
| Concerted action of British and American representatives in Belgium for reforms in Kongo by Sir Edward Grey to                | 42    |
| Communicated to Minister Wilson   | 42    |
| Root, Elihu, Secretary of State:  |       |
| Interest of United States in reforms in Kongo, London embassy directed by, to communicate                                     | 9     |
| Proposed colonial law for annexation of Kongo unsatisfactory, instructs Ambassador Reid to obtain views of British Government | 29    |
| Concurrence of Great Britain assured  | 30    |
| Attitude of United States requires amelioration of condition of natives, instruction to Minister Wilson                       | 46    |
| Violation of Brussels treaty by Kongo, requests cooperation of Great Britain to demand that it cease                          | 51    |
| Annexation of Kongo, instructs Minister Wilson to express United States' views as coinciding with Great Britain               | 88    |
| Cooperation of Minister Wilson with British minister to secure reforms directed by  | 101   |
| Informs Belgian minister of expectation that rights of natives to lands and American commercial rights will be respected      | 182   |
| Reply of Belgian minister   | 202   |
| Rubber in Kongo:  |       |
| Oppressive tax on collection of   | 134   |
| Gathering of, in Abir and Anversoise districts suspended for one year   | 199   |
| S.  |       |
| Senate resolution on conditions in Kongo:   |       |
| Possible effect on annexation to Belgium  | 22    |
| Text of   | 23    |
| Slave trade act. ( <i>See</i> Brussels treaty.)   |       |
| Slavery in Kongo:   |       |
| Attitude of United States as to, telegraphed to Minister Wilson   | 16    |
| Communicated to the King  | 16    |
| Memorandum in reply from Kongo government denying existence of  | 18    |
| Slocum, Clarence Rice, American consul-general, Boma:   |       |
| Reports Kongo Free State a mere commercial undertaking  | 7     |
| Smith, James. A., American consul-general at Boma:  |       |
| Conditions in Kongo in 1907, report submitted by  | 30    |
| Existence of slavery reported by  | 47    |

|   |       |
|---|-------|
| Smith, James A., American consul-general at Boma—Continued.             | Page. |
| Taxation in Kongo, transmits report of British consular officer on..... | 47    |
| Upper Uturi District, report on political conditions of.....            | 79    |
| Land legislation in Kongo in relation to its commercial policy.....     | 101   |

## T.

|  |     |
|--|-----|
| Taxation in Kongo:   |     |
| Severity of, reported by British consular officer.....                     | 47  |
| Abuses of, complained of by British Government to Belgian authorities..... | 117 |
| Treaty of annexation of Kongo to Belgium:                                  |     |
| Submitted to Belgian Parliament.....                                       | 43  |
| Withdrawn.....   | 57  |
| New treaty and accompanying laws submitted.....                            | 72  |

## U.

|   |    |
|---|----|
| Upper Uturi district, Kongo:            |    |
| Political conditions of, report on..... | 79 |

## W.

|  |          |
|--|----------|
| Wilson, Henry Lane, American minister to Belgium:  |          |
| Annexation of Kongo, debate in Belgium Parliament reported by.....   | 11       |
| Slavery in Kongo, attitude of United States telegraphed to.....  | 16       |
| Communicated to the King.....  | 16       |
| Memorandum from Kongo government.....  | 18       |
| Senate resolution on Kongo, possible effect on Belgian Parliament.....   | 22       |
| Concerted action with Great Britain, British minister states time not yet opportune.....   | 43       |
| Annexation of Kongo by Belgium, treaty reported by.....  | 43       |
| Withdrawal of treaty.....  | 57       |
| New treaty and accompanying laws submitted.....  | 72       |
| Attitude of United States requires amelioration of condition of natives.....   | 46       |
| Declaration of policy declared in Belgian Parliament.....  | 53       |
| Criticisms of Belgian press on interference of British Government with.....  | 67       |
| Violation of Brussels treaty, protest against submitted by British minister and.....   | 54       |
| Denial by Belgian Government.....  | 55       |
| Treaty of annexation and accompanying laws proposed.....   | 72       |
| Satisfactory character of.....   | 77       |
| Agreement with France as to Kongo boundaries, etc., reported by.....   | 82       |
| Rights of American missionaries in Kongo, correspondence with Kongo foreign office as to.....                                    | 88       |
| Colonial law proposed for annexation of Kongo, text submitted by.....  | 91       |
| Reforms in Kongo, memorandum specifying insistence of United States upon.....  | 97       |
| Answer by Belgian Government to Secretary Root.....  | 111      |
| Abolition of forced labor, and arbitration of commercial differences, instructed to support British minister in request for..... | 101      |
| Memorandum submitted to Belgian Government.....  | 106      |
| Reply of Belgian Government.....   | 156      |
| Debate in Belgium Parliament reported.....   | 108, 110 |
| Colonial law for government of.....  | 162      |
| Creation of department of colonies reported.....   | 170      |
| Royal decree announcing.....   | 177      |
| Colonial council organized.....  | 181      |
| Budget for administration of colonial affairs.....   | 181      |
| Land policy promulgated.....   | 186      |
| Great Lakes Railway, requisition for natives in construction of, discussed in Belgium Parliament.....                            | 197, 199 |
| Rubber gathering suspended for one year.....   | 199      |
| Enforced labor, discussed in Belgium Parliament.....   | 199      |
| Investigation of conditions undertaken by colonial minister.....   | 200      |
| Measures taken for reforms by Belgian Government.....  | 201      |



















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